

of pension to Michael McNally—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 25766) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of various organizations in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

Also, petition of the Council of Jewish Women of San Francisco, against strict legislation on immigration—to the Committee on Immigration and Naturalization.

By Mr. ACHESON: Petition of Washington (Pa.) Legion, No. 625, Order of the National Protective Legion, against reclassification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Typographical Union No. 456, of Washington, Pa., for bills S. 6330 and H. R. 19853—to the Committee on Patents.

By Mr. BATES: Petition of the California State Federation of Labor, of San Francisco, for bill H. R. 9754 (increase of salaries of postal clerks)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to the status of the Japanese in San Francisco—to the Committee on Foreign Affairs.

By Mr. BONYNGE: Petition of the Colorado State Commercial Association, against any legislation tending to segregate or classify the plains region of Colorado—to the Committee on the Public Lands.

By Mr. BURKE of Pennsylvania: Petition of Park Avenue Presbyterian Church, of Pittsburgh, Pa., for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. CALDER: Petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Adolphus N. Parety—to the Committee on Pensions.

By Mr. DRAPER: Petition of the National Institute of Arts and Letters, for enactment of a liberal copyright law—to the Committee on Patents.

By Mr. DUNWELL: Joint resolutions of the Chamber of Commerce and the Board of Trade of Porto Rico, for deepening of the harbor of San Juan—to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of the National Institute of Arts and Letters, for enactment of a liberal copyright law—to the Committee on Patents.

Also, petition of the National Convention for the Extension of the Foreign Commerce of the United States, for a dual tariff—to the Committee on Ways and Means.

By Mr. GOULDEN: Paper to accompany bill for relief of Reed B. Granger—to the Committee on Military Affairs.

Also, petition of Cairo Commercial Club and Board of Trade, for an appropriation of \$50,000,000 annually to improve the waterways of the country—to the Committee on Rivers and Harbors.

By Mr. HAMILTON: Petition of J. B. Steedman Post, Grand Army of the Republic, of Billingham, Wash., for bill H. R. 15585 (additional relief to ex-prisoners of war)—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of the Carpenters' Union of Red Bank, N. J., favoring arbitration of all national difficulties—to the Committee on Foreign Affairs.

By Mr. JAMES: Petition of citizens of the First district of Kentucky, for reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. LEE: Paper to accompany bill for relief of George W. Smith (previously referred to the Committee on War Claims)—to the Committee on Invalid Pensions.

By Mr. McNARY: Petition of the Massachusetts State Association of Master Plumbers, for bill S. 6923, for cheaper postage—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Resolution of the senate of Nebraska, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. PADGETT: Paper to accompany bill for relief of the Lyman Creek Baptist Church, of Gates City, Tenn.—to the Committee on War Claims.

By Mr. REYBURN: Petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

Also, petition of William H. Rau (relative to the copyright law), against unjust discrimination touching American photography—to the Committee on Patents.

Also, petition of Post No. 77, Department of Pennsylvania, Grand Army of the Republic, against abolition of pension agencies—to the Committee on Appropriations.

By Mr. SHEPPARD: Paper to accompany bill for relief of Samuel G. Smith (previously referred to the Committee on War Claims)—to the Committee on Claims.

By Mr. RIORDAN: Petition of the National Institute of Arts and Letters, for the enactment of a liberal copyright bill—to the Committee on Patents.

By Mr. SCHNEEBELI: Paper to accompany bill for relief of David Everett—to the Committee on Invalid Pensions.

By Mr. SPERRY: Petition of the Connecticut Oyster Growers' Association, against legislation tending to destroy the oyster industry—to the Committee on Agriculture.

By Mr. SULZER: Petition of the New York Bank Note Company, against bills S. 8190 and H. R. 25133—to the Committee on Patents.

By Mr. THOMAS of North Carolina: Petition of the Engineering Society of the Carolinas, for the Appalachian and White Mountains reservation bill—to the Committee on Agriculture.

By Mr. WASKEY: Petition of citizens of Alaska, for an appropriation to protect the fish in Alaskan waters—to the Committee on the Territories.

Also, petition of citizens of Alaska, for an appropriation for a sawmill and industrial school, and a skilled mechanic for teaching proper methods of building—to the Committee on the Territories.

By Mr. WOOD: Petition of the Trenton (N. J.) Social Turn Verein, against bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of Hopewell (N. J.) Council, No. 73, Junior Order United American Mechanics, against the bill to amend and codify the statutes relating to classification of second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

THURSDAY, February 21, 1907.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DISTRICT HEALTH DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 18th instant, the names of all employees in the health department of the District of Columbia, their official duties and titles, and the amount of compensation in each case; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

SPECIAL EMPLOYEES OF TREASURY DEPARTMENT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolutions of the 8th instant and 14th instant, statements showing the number and names of persons employed by the Treasury Department during the fiscal year ended June 30, 1906, or who are now so employed as special agents, etc., where no specific appropriation in detail has been made by Congress for such employment; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

LIEU FOREST-RESERVE LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 19, 1906, an additional list of names of those who conveyed or relinquished to the United States lands within the forest reserves prior to the act of March 3, 1905, and who failed to select other lands in lieu thereof, etc.; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

PHILIPPINE TARIFF.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a copy of a cable-

gram from the president of the Economic Association of the Philippines requesting the enactment of legislation with respect to the free entry of sugar and the abolishment of the refundable export duties on hemp; which was referred to the Committee on Finance, and ordered to be printed.

WILLIAM O. BEALL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 18th instant, certain papers connected with the investigation of the official conduct of William O. Beall, recently secretary to the Commission to the Five Civilized Tribes; which, with the accompanying papers, was referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. BURKE of South Dakota, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 830) granting an increase of pension to Hezekiah Dezarn; in which it requested the concurrence of the Senate.

The message also requested the Secretary of the Senate to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be selected for said station, of a public building, the original copy having been lost.

The message further announced that the House had passed a bill (H. R. 25483) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of Typographical Union No. 8, American Federation of Labor, of St. Louis, Mo., remonstrating against the manner in which Charles Moyer, William Haywood, and George Pettibone, of the Western Federation of Miners, were brought under the jurisdiction of the courts of Idaho, and praying that these men be granted a fair and impartial trial by jury; which was referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of the Art Metal Work Evening Class of the Pratt Institute, of Brooklyn, N. Y., praying for the enactment of legislation to repeal the duty on works of art; which was ordered to lie on the table.

He also presented a memorial of the executive committee, Department of New York, Grand Army of the Republic, of Rochester, N. Y., remonstrating against the enactment of legislation to abolish the pension agencies throughout the country; which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation to amend and consolidate the acts respecting copyrights; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Newark Valley, Northport, Middleburg, and Crawford, all in the State of New York, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 4, of Buffalo; of Local Union No. 46, of Buffalo; of Local Union No. 135, of Syracuse, and of Local Union No. 14, of Amsterdam, all of the American Federation of Labor, in the State of New York, praying for the enactment of legislation providing for the protection of labor and industry from competition with convict labor and prison-made goods; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of New York City, N. Y., praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

He also presented a memorial of the Linnæan Society of New York City, N. Y., remonstrating against the enactment of legislation to abolish the Bureau of Biological Survey in the Department of Agriculture; which was ordered to lie on the table.

He also presented memorials of sundry citizens of Fernwood, N. Y., and Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. WHYTE presented petitions of sundry citizens of Baltimore and Easton, in the State of Maryland, praying for the adoption of certain amendments to the present denatured-alcohol law; which were referred to the Committee on Finance.

Mr. RAYNER presented petitions of sundry citizens of Easton and Royal Oak, in the State of Maryland, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented the petition of Sharp & Dohme, of Baltimore, Md., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

Mr. DU PONT presented a petition of the Methodist Ministers' Association of Wilmington, Del., praying for the enactment of legislation to regulate the transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a memorial of the Audobon Society of Providence, R. I., remonstrating against the enactment of legislation to abolish the Bureau of Biological Survey in the Department of Agriculture; which was ordered to lie on the table.

He also presented a memorial of the Press Club of Providence, R. I., remonstrating against the enactment of legislation to increase the postage rate on second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the R. Bliss Manufacturing Company, of Pawtucket, R. I., praying for the adoption of certain amendments to the present denatured-alcohol law; which was referred to the Committee on Finance.

He also presented the petition of Thomas Perry, of Westerly, R. I., and a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the passage of the so-called "Lodge resolution," providing for an investigation into the existing conditions in the Kongo Free State; which were ordered to lie on the table.

He also presented a memorial of 20 photographers of Providence, R. I., remonstrating against the enactment of legislation to amend and consolidate the acts respecting copyrights; which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Coventry, Cumberland, Woonsocket, Warren, North Providence, Phenix, Centerville, Arnold Mills, Middletown, Tiverton, and Diamond Hill, all in the State of Rhode Island, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of United Lodge No. 7, Amalgamated Association of Iron, Steel, and Tin Workers, of Benwood, W. Va., praying for the enactment of legislation providing for the protection of labor and industry from competition with convict labor and prison-made goods; which was referred to the Committee on Education and Labor.

He also presented petitions of the Woman's Parliamentary Law Club, of Parkersburg; the Woman's Literary Club, of Parkersburg; the Woman's Club, of Wellsburg; the Virginia Literary Club, of Wheeling; the Federation of Woman's Clubs, of Wheeling; the Woman's Club, of Fairmont, and the Current History Club, of Huntington, all in the State of West Virginia, praying for the enactment of legislation to regulate the employment of child labor; which were ordered to lie on the table.

Mr. KEAN presented a petition of the Woman's Christian Temperance Union of Keyport, N. J., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Edgewater Library Club, of Cliffside, N. J., and a petition of the College Woman's Club of Essex County, N. J., praying for the enactment of legislation

to regulate the employment of child labor; which were ordered to lie on the table.

Mr. McCREARY presented petitions of the congregations of the First Baptist, the Third Street Methodist Episcopal, the Broadway Methodist Episcopal, the Kentucky Avenue Presbyterian, and the Trimble Street Methodist Episcopal churches, all of Paducah, in the State of Kentucky, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of the Woman's Christian Temperance Union of Brinsmade, N. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. LODGE. I present resolutions of the legislature of Massachusetts; which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

The resolutions were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF MASSACHUSETTS, 1907.

Resolutions relative to the gypsy and brown-tail moths.

Whereas the work of the United States Department of Agriculture, as directed by the Bureau of Entomology, in the suppression of the gypsy and brown-tail moths in this Commonwealth has been of great assistance to the State authorities engaged in the same work and has been effective in preventing the spread of these dangerous pests to adjoining States; and

Whereas a continuance of said work is necessary for the protection of New England;

Resolved, That the general court heartily commends the aforesaid efforts of the United States Government and urges upon the members of Congress from this Commonwealth the necessity of making liberal appropriations for the further prosecution of the same.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress for this Commonwealth.

In house of representatives, adopted February 5, 1907.

In senate, adopted in concurrence February 8, 1907.

A true copy.

Attest:

WM. M. OLIN,

Secretary of the Commonwealth.

Mr. PENROSE presented a memorial of 399 citizens of Washington, D. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Philadelphia, Lancaster, New Albany, Pittsburg, and Oil City, and of the Woman's Christian Temperance Union of Octoraro, all in the State of Pennsylvania, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of the Luzerne County Branch German-American Alliance, of Wilkes-Barre; Third Company, 250 members, of Der Deutschen Militar Verein, of Pittsburg and Allegheny; Armin Lodge, No. 38, of Philadelphia; General Steuben Lodge, No. 578, of Philadelphia; Quartette Club, of Philadelphia; Rising Sun Singing Society, of Philadelphia; Unterstuetzungs Bund, of Philadelphia; Frohsinn Singing Society, of Altoona; the Maennerchor Society of Philadelphia; the Maennerchor Singing Society, of Hazleton; the Arion Gesangverein, of York; the Swabian Beneficial Society, of Pittsburg and Allegheny; the German Odd Fellows Lodge, No. 425, of Wilkes-Barre; the Ost Ungarn Kriegerbund, of Philadelphia; the Veteran Society of Philadelphia; Lessing Lodge, No. 862, Independent Order Odd Fellows, of Hazleton; the German-American Alliance, of Altoona; the Lehigh Saengerbund, of Allentown; the Singing Society of Hazleton; the Turnverein of Jeanette; the Beethoven Maennerchor Singing Society, of Bethlehem; the Turn and Gesangs Verein Eintracht, of Homestead; the Wilkes-Barre Liedertafel, of Wilkes-Barre; the Hill Top Section, G. B. N., of Mount Oliver; Bicentennial Unterstuetzungs Verein, No. 1, of Philadelphia; R. C. St. Peter's Beneficial Association, of Lancaster; Tacony Singing Society, of Tacony; Allentown Turn Verein of Pittsburg; St. John's Society, of Luzerne; Arminia Lodge, No. 447, of Pittsburg; German-American Landwehr Benefit Society, of Philadelphia; Fairmount Posten, No. 9, Veterans and Soldiers of the German Army, of Coopersville; Saengerbund of Philadelphia; West Somerset Yearly Beneficial Society, of Philadelphia; Schiller's Glocke Gesang und Turn Verein, of Pittsburg; Seventh Company of the German Military Verein, of Etna; Germania Musical Association, of Tarentum; the German Beneficial Union, District No. 1, of Pittsburg; United Swiss Brothers, of East Pittsburg; German Sunday School Society, of Philadelphia; District No. 146, German Beneficial Union, of Johnstown; Koeniggreatz Post, No. 8, Veteranen und Krieger Deutscher

Armee, of Philadelphia; Barbarossa Castle, No. 85, Knights of the Mystic Chain, of Johnstown, and District No. 97, German Beneficial Union, of Johnstown, all in the State of Pennsylvania, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented memorials of Sergt. S. W. Lascomb Post, No. 351, of Steelton; George H. Hess Post, No. 571, of Safe Harbor; Admiral Du Pont Post, No. 24, of Philadelphia; Gen. D. B. Birney Post, No. 63, of Philadelphia; E. T. Conner Post, No. 177, of Summit Hill; J. R. Jones Post, No. 158, of Eldred; Lieut. David H. Nissley Post, No. 478, of Mount Joy; John A. Koltes Post, No. 228, of Philadelphia; Post 77, Grand Army of the Republic, of Philadelphia, and Gen. George A. McCall Post, No. 31, of West Chester, all of the State of Pennsylvania, remonstrating against the enactment of legislation to abolish pension agencies throughout the country; which were ordered to lie on the table.

Mr. FULTON. I present a joint memorial of the legislature of the State of Oregon, in favor of the improvement of the Siuslaw River, in that State. I ask that the joint memorial be read, and referred to the Committee on Commerce.

There being no objection, the joint memorial was read and referred to the Committee on Commerce, as follows:

Senate joint memorial No. 6.

Whereas the great natural resources of that vast region lying tributary to the Siuslaw River is of prime importance to Lane County and the State of Oregon; and

Whereas its resources are undeveloped and its progress and prosperity on account of the neglect of the Government to complete the work on the Siuslaw bar are retarded; and

Whereas the money which has already been expended and the work done will be entirely lost unless the project is carried out; and

Whereas the Siuslaw River is one of the great arteries of commerce and is the principal seaport of Lane County; and

Whereas the said commerce of the county is retarded by the neglect of the Government to go forward with the improvements of the bar at the mouth of the Siuslaw River; Now, therefore be it

Resolved, That the Congress of the United States be, and the same is hereby, memorialized to take the necessary steps to carry on and complete the work already begun looking to the improvement of the mouth of the said Siuslaw River, and that the Senators and Representatives in Congress from the State of Oregon be, and they are hereby, memorialized to introduce in the Congress of the United States and endeavor by all honorable means to procure the passage of a bill making appropriations for carrying out and completing the said project at the mouth of the said Siuslaw River and appropriating a sufficient sum of money for that purpose.

Adopted by the house February 12, 1907.

FRANK DAVEY, Speaker.

Attested by the chief clerk of the house of representatives.

W. LAIR THOMPSON, Chief Clerk.

Adopted by the senate February 11, 1907.

E. W. HAINES, President.

Mr. FULTON. I present a joint memorial of the legislature of Oregon, in favor of the enactment of legislation giving to the State of Oregon the net receipts of the Government from all the forest reserves within the State. I ask that the joint memorial be read and referred to the Committee on Public Lands.

The joint memorial was read and referred to the Committee on Public Lands, as follows:

Senate joint memorial No. 5.

Whereas about one-fifth of the entire area of the State of Oregon is included within national forest reserves; and

Whereas such area is thereby excluded from contributing anything by way of taxation to the support of the expenses of the State government or to the support of the educational institutions of the State; and

Whereas the National Government receives large sums annually from the citizens of this State in fees for pasturage within the boundaries of said forest reserves and for timber sold from within said reserves; Therefore, be it

Resolved by the legislative assembly of the State of Oregon, That Congress be, and hereby is, most respectfully memorialized to enact a law giving to the State of Oregon, to become a part of the principal of the irreducible school fund thereof, the net receipts of the Government of the United States from all the forest reserves within the State of Oregon; be it

Further resolved, That the Senators and Representatives of the State of Oregon in Congress be most earnestly requested to use all honorable means and diligence to secure the enactment of such a law.

Adopted by the house February 12, 1907.

FRANK DAVEY, Speaker.

Attested by the chief clerk of the house of representatives.

W. LAIR THOMPSON, Chief Clerk.

Adopted by the senate February 8, 1907.

E. W. HAINES, President.

Mr. FULTON. I present a joint memorial of the legislature of Oregon, in favor of the enactment of legislation relative to the tracts of public lands within the State of Oregon which are claimed and held by the Oregon and California Railway Company, as grantee in succession, under certain acts of Congress. I ask that the joint memorial be read and referred to the Committee on Public Lands.

There being no objection, the joint memorial was read, and referred to the Committee on Public Lands, as follows:

Senate joint memorial No. 3.

To his excellency the President and honorable Senate and House of Representatives of the United States of America:

Your memorialists, the legislative assembly of the State of Oregon, most respectfully represent:

That vast tracts of public land within Oregon are claimed and held by the Oregon and California Railroad Company, as grantee in succession, under the acts of the Congress of the United States of July 25, 1866, and April 10, 1869.

That said tracts are withdrawn from sale, whereby the development and material prosperity of the State is retarded.

That said railroad company so claiming said lands has not complied with the terms of said act of April 10, 1869, as to the terms of sale and the quantities of land to be sold.

That said conditions are claimed inure only to the United States as grantor to the predecessor in alleged interest of said Oregon and California Railroad Company, and have not been complied with.

Therefore your memorialists most respectfully ask that the Congress of the United States be, and hereby is, requested to enact such laws and take such steps by resolution or otherwise, as may be necessary to compel said grant, and to enact and declare some sufficient penalty for noncompliance therewith, by way of forfeiture of the grant or otherwise, as in the wisdom of Congress may seem best.

That the Senators and Representatives in Congress from the State of Oregon and all other land-grant States be, and hereby are, requested to use their utmost endeavor to procure the needed legislation in the above matter.

That this memorial be forwarded to the President and to Oregon Senators and Representatives in Congress.

Adopted by the House February 8, 1907.

FRANK DAVEY, *Speaker*.

Attested by the chief clerk of the house of representatives.

W. LAIR THOMPSON, *Chief Clerk*.

Adopted by the senate February 4, 1907.

E. W. HAINES, *President*.

Attested by the chief clerk of the senate.

FRANK S. GRANT, *Chief Clerk*.

Mr. PILES. I present a memorial of the legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

The memorial was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

WASHINGTON LEGISLATURE, TENTH REGULAR SESSION—MEMORIAL.

[In the house. By Mr. Smalley.]

To His Excellency Theodore Roosevelt, President of the United States of America; to the honorable Senate and House of Representatives of the United States; and to the honorable Secretary of Agriculture:

We, your memorialists, the senate and house of representatives of the State of Washington, in legislative session assembled (tenth regular session), most respectfully represent and pray as follows:

Whereas the people of the State of Washington, in common with the people of the other States of the Union, are free and liberty-loving; and

Whereas arbitrary power and despotism are abhorrent to them; and

Whereas the honorable Secretary of Agriculture of the United States of America has usurped the powers, duties, and functions of the law-making power of the Government of the United States of America in issuing an arbitrary edict, or ukase, promulgated as a criminal code for the government of Federal forest reserves; and

Whereas said Secretary of Agriculture, in pursuance of his assumed and usurped autocratic power, has caused to be arrested, prosecuted, humiliated, and disgraced a citizen of the State of Washington for an alleged violation of one of the provisions of said one-man-made criminal code (see United States v. Matthews, 146 Fed. Rep., 306); and

Whereas said Secretary now threatens to criminally prosecute all citizens alleged to have violated his said criminal code; and

Whereas the Congress of the United States has no constitutional power to delegate to any one man the making of criminal laws; and

Whereas the Congress of the United States passed an act entitled "An act to provide for the entry of agricultural land within forest reserves," approved June 11, 1906 (34 Stat. L., 233); and

Whereas said act, while beneficial to a limited extent, the same is wholly inadequate to accomplish the purposes for which it was enacted. Under said act a prospective homesteader (who is generally a man of limited means) coming from the East to the West to make settlement upon lands within the forest reserve, is not permitted to select for himself nonmineral land, such as to him is satisfactory for a permanent home, but is subjected to long delays, lasting months or years, before he can make his settlement, during which time there is an element of uncertainty as to whether or not he will ever be able to select the homestead desired by him; and as to whether or not a given piece of land is suitable for a homestead must be determined by some subordinate of the Agricultural Department, who, perhaps, is wholly ignorant of local needs and necessities. Such intending homesteader is subject to the mere caprice, whim, or lack of knowledge of such inspector as to the adaptability of the land for agricultural purposes; and said prospective settler, rather than be subjected to endless "rules and regulations," intolerable "red tape," and persistent petty exactions and pestering by departmental officers and underlings, is compelled to migrate to Canada in search of a home of his own for himself and family; and

Whereas boards of trade, commercial bodies, "booster" clubs, and railway companies have distributed millions of pages of literature to induce settlers to acquire homes of their own on the public lands of the United States under the homestead laws; and

Whereas in response to said advertising tens of thousands of families have deserted their homes in the East and now find themselves in a new country among strangers, with limited means, and are confronted with the fact that hundreds of thousands of acres of public land suitable to be taken for homesteads have recently been withdrawn from settlement as forest reserves; and

Whereas now the serious question arises, "What shall such citizens and their families do?" and

Whereas it is a gross injustice to make wholesale withdrawals of public lands from homestead settlement under the guise of "temporary withdrawals," with no regard as to whether or not such lands embrace

timber or prairie lands or lands necessary for forest-reserve purposes; and

Whereas large portions of such lands so withdrawn are essentially agricultural lands; and

Whereas the making of forest reserves out of lands less than 4,500 feet in altitude above sea level retards and prevents the settlement and prosperity of the West by reason of the facts, among other things, that home builders in the forest reserve will be isolated, without hope of near school or church privileges, without reasonable expectation of the making of suitable roads or the keeping of them in proper repair without extortionate individual expense and running the gantlet of "red tape;" and

Whereas for like reasons, to a large extent, there is a confiscation of the property of those who have heretofore acquired rights or titles to lands now within the forest reserve, it being a matter of common knowledge that the denser the population in a given community the higher is the price of land; and, conversely, the more isolated, the less valuable; and anything retarding or preventing settlement correspondingly decreases the value of the land; and

Whereas there are large numbers of settlers who for years have resided upon unsurveyed lands who now find themselves within the boundaries of forest reserves, who, if from sickness or other unavoidable casualty are compelled to leave their homestead claims, will virtually lose the results of years of toil and their improvements, for the reason that when they quit their premises before making final proof their lands will revert to the forest reserve, and in most instances no purchaser of the improvements can be found who is willing to become entangled in the meshes of forest-reserve regulations; and

Whereas under the laws of this State the possessor of land must surround it with a lawful fence in order to recover damages to crops by cattle, therefore the farmer or stockman living within or adjacent to a forest reserve, in order to protect his crops and pasturage from forest-reserve cattle, must be to the expense of erecting and maintaining a lawful fence, while a forest reserve is not fenced and is not proposed to be fenced; and the owner of outside cattle must, at his peril, fence or herd his cattle from out the forest reserve or pay such price from year to year as shall suit the varying caprice of forest officers; and

Whereas the making of forest reserves necessitates new and untried procedure, with consequent uncertainties and delays, in order for the settler on unsurveyed land therein to secure the survey of his land, before which he can not acquire title; and

Whereas in 1866 Congress passed an act, a portion of which now exists as section 2477 of the United States Revised Statutes, which grants a free right of way across the public lands for the construction of highways, and which enables citizens and local State authorities to speedily construct roads as the necessities of new and quickly growing communities require (see Okanogan County v. Cheatham, 37 Wash., 682); and

Whereas said section does not apply to forest reserves; and

Whereas communities existing on opposite sides of a forest reserve are subject to intolerable delays in attempting to satisfy the requirements of far-distant officers of the Government in order to obtain a public highway between such communities and across such forest reserve, thereby retarding the development and prosperity of the country thus victimized; and

Whereas it often happens that part of a homesteader's claim, by such indiscriminate withdrawals for forest reserves, is placed partly within and partly without the forest reserve, thereby harassing him with two sets of land laws, a variety of "regulations," and the usual governmental delays; and

Whereas if such lands were in private ownership, they would be subjected to State and local taxation, and thereby contribute to the support of government in new States and new communities where public revenues are generally inadequate to meet present needs; and the present makeshift provided by Congress as an offset for the loss of such just revenues from taxation being wholly inadequate and uncertain for the object intended thereby; and

Whereas it has been the wise policy of the Government for more than half a century to grant free water rights upon the public lands; and

Whereas very recently it has been determined to hamper the acquisition of water rights and rights of way within forest reserves, to the great detriment of the general public; and

Whereas as great protection against the ravages of forest fires can be given outside of forest reserves as within them; and

Whereas the Congress of the United States, in pursuance of a wise and liberal policy, in 1875 (18 Stat., 482) passed an act granting to railroad companies generally rights of way across the public domain, with the right to take from adjacent land material, earth, stone, and timber necessary for the construction of such railroads, etc., which act has aided materially in the upbuilding of the West; and

Whereas the act of Congress of March 3, 1899 (30 Stat., 1233), granting rights of way for railroads across forest reserves does not grant the right to such railroad companies to take material, earth, stone, or timber necessary for the construction of such railroads; and

Whereas the making of a forest reserve segregates the land therein contained from the category of public land; and therefore said act of March 3, 1875 (18 Stat., 482), does not apply thereto; and

Whereas the needs of the people require the speedy building of electric railways; and

Whereas the great source of water power for the operation of such railways and the providing of electric lights and power for cities and towns and for the operation of mines is situated within the limits of forest reserves; and

Whereas the present Federal restrictions tend materially to defeat the accomplishment of these benign purposes, on account of such forest reserves; and

Whereas the stock industry is impeded and discouraged by the creation of forest reserves, among other things by the imposition of a pasture tax and the uncertainty from year to year as to the amount of such tax, and the arbitrary and petty exactions inflicted by forest officers, high and low; and

Whereas it is the avowed purpose of the Forestry Service to make the same self-supporting without an appropriation from Congress therefor, and to recruit and organize an army of forestry officers, who must be supported and maintained from the income of the reserve, which means that the communities adjacent to such forest reserves must pay the bill; and

Whereas more than \$700,000 were wrested from such communities for such purposes during the last year, as against \$60,000 the year before; and

Whereas it is now proposed to increase such exactions in like ratio from year to year; and

Whereas many hundreds of thousands of acres of land have been placed in forest reserves in a single county in this State, namely, Okanogan County, against the unanimous protest of the citizens of that county, as far as the recent temporary withdrawals are concerned; and Whereas the people of a local community can best be trusted to decide what is for their best interests and those of their children and their children's children:

Therefore we most earnestly and respectfully protest against the making of said temporary withdrawals permanent, and ask that they be immediately set aside and that the lands therein described be at once restored to the public domain.

The secretary of state is hereby directed to immediately transmit a certified copy of this memorial to His Excellency the President of the United States of America, to the President of the Senate, and to the Speaker of the House of Representatives of the United States, to the honorable Secretary of Agriculture, and to each of the Senators and Representatives in Congress from this State.

Mr. PILES presented petitions of sundry citizens of Seattle, Everson, and Bremerton, all in the State of Washington, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of Local Lodge No. 108, United Garment Workers of America, of Burlington, Vt., praying for the enactment of legislation providing for the protection of labor and industries from the competition of convict labor and prison-made goods; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Montpelier, Vt., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of sundry citizens of the States of Wyoming and Colorado, remonstrating against the recently proposed heavy reduction in the post-office appropriation bill carrying the compensation for the transportation of mail by the railway mail service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Douglas, Wyo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

THE HARVESTER TRUST.

Mr. HANSBROUGH. I present a paper containing very interesting information relative to the origin and operation of what is known as the "harvester trust." The paper is very short, and I move that it be printed as a document.

The motion was agreed to.

REPAYMENT ON VOID LAND ENTRIES.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 11014) to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys, to report it with an amendment, and I submit a report thereon. If the bill passes, it will have to go into conference, and I would be glad to have present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the amendment of the committee, which was to strike out all after the enacting clause and to insert:

That section 2 of the act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, be, and is hereby, amended so as to read as follows:

Sec. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where from any cause the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant the excess of \$1.25 per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

Provided, That all moneys heretofore received by the registers and receivers at district land offices, and now carried in the unearned fees and unofficial moneys accounts, and all moneys hereafter received by these officers, from any source whatsoever, except upon advances from the Treasury Department, shall be deposited to the credit of the Treasurer of the United States, and such sums as can not be applied to the purposes for which they were tendered may be returned to the parties who paid them in, upon applications approved by the Secretary of the Interior; but no moneys shall be returned to parties who have applied to make entries on proofs that have been found to be false or fraudulent: *Provided further*, That no entryman shall be required to make payment of the purchase money on any application to make a cash entry until the same shall have been approved by the register and receiver, but such payment shall be made within ten days after notice of such approval.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend section 2 of the act entitled 'An act for the relief of certain settlers on public lands and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands,' approved June 16, 1880."

WILEY CORBETT.

Mr. HANSBROUGH. From the Committee on Finance, I report back without amendment the bill (H. R. 14464) for the relief of Wiley Corbett. I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the bill.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay \$303.38 to Wiley Corbett on account of unused revenue stamps for whisky produced by Corbett and destroyed by fire before such stamps were issued.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. After this, as the Senator from Vermont desires to go on with the appropriation bill, I shall ask that the regular order be enforced on reports of committees.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 23198) granting an increase of pension to Lucie A. Allyn, reported it with amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 25069) granting an increase of pension to William A. Decker;

A bill (H. R. 25097) granting an increase of pension to Edmund P. Weatherby;

A bill (H. R. 25101) granting an increase of pension to Nancy A. Meredith;

A bill (H. R. 25106) granting an increase of pension to Francis A. Biffar;

A bill (H. R. 25108) granting an increase of pension to William H. Brown;

A bill (H. R. 25112) granting an increase of pension to William Turner;

A bill (H. R. 25113) granting an increase of pension to John H. Hayes;

A bill (H. R. 25120) granting an increase of pension to Charles B. Spring;

A bill (H. R. 25143) granting an increase of pension to Elizabeth Wolfe;

A bill (H. R. 25145) granting an increase of pension to Charles Henry Weatherwax;

A bill (H. R. 25149) granting an increase of pension to Joshua L. Hayes;

A bill (H. R. 25172) granting an increase of pension to Burgess N. Isaacs;

A bill (H. R. 25174) granting an increase of pension to Henry W. Casey;

A bill (H. R. 25176) granting an increase of pension to Gottfried Haferstein;

A bill (H. R. 25211) granting an increase of pension to Alphonso Brown;

A bill (H. R. 25214) granting an increase of pension to Robert H. Douglas;

A bill (H. R. 25224) granting an increase of pension to David C. Smith;

A bill (H. R. 25247) granting an increase of pension to Warren Onan;

A bill (H. R. 25248) granting an increase of pension to Knute Thompson;

A bill (H. R. 25254) granting an increase of pension to George W. Warfel; and

A bill (H. R. 25229) granting an increase of pension to James T. Blair.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 10574) granting a pension to

Edward W. Hoban, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 24100) granting an increase of pension to Henry W. Wilson;

A bill (H. R. 24101) granting an increase of pension to George W. Ashton;

A bill (H. R. 24161) granting an increase of pension to Hugh O'Neal;

A bill (H. R. 24171) granting an increase of pension to Finus M. Wyatt;

A bill (H. R. 24183) granting an increase of pension to Joseph B. Joyce;

A bill (H. R. 24189) granting an increase of pension to Frederick Hoffner;

A bill (H. R. 24197) granting an increase of pension to Mary Ann Foard;

A bill (H. R. 24210) granting an increase of pension to George H. Maddox;

A bill (H. R. 24215) granting an increase of pension to George Hoell;

A bill (H. R. 24225) granting an increase of pension to William Ivans;

A bill (H. R. 24226) granting an increase of pension to Francis J. Eachus;

A bill (H. R. 24269) granting an increase of pension to William L. Stewart;

A bill (H. R. 24288) granting an increase of pension to John Gooding;

A bill (H. R. 24294) granting an increase of pension to Daniel R. Lamoreau;

A bill (H. R. 24299) granting an increase of pension to William B. Doyle;

A bill (H. R. 24300) granting a pension to Sadie E. Hawthorn;

A bill (H. R. 24308) granting an increase of pension to Lyman Thompson;

A bill (H. R. 24334) granting an increase of pension to Emma Case;

A bill (H. R. 24338) granting an increase of pension to James M. Gardner;

A bill (H. R. 24343) granting an increase of pension to James M. Haney;

A bill (H. R. 24344) granting an increase of pension to John H. James;

A bill (H. R. 24355) granting a pension to Mary O. Learned; and

A bill (H. R. 24194) granting an increase of pension to William Davis.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 24599) granting an increase of pension to Thomas L. Richardson;

A bill (H. R. 24635) granting a pension to Elizabeth Stuessi;

A bill (H. R. 24638) granting an increase of pension to Bernard Shallow;

A bill (H. R. 24681) granting an increase of pension to Lewis M. Jarvis;

A bill (H. R. 24691) granting an increase of pension to Edward Burtch;

A bill (H. R. 24698) granting an increase of pension to Lydia Hunt;

A bill (H. R. 24707) granting an increase of pension to Peter Campbell;

A bill (H. R. 24726) granting an increase of pension to Seldon R. Sanders;

A bill (H. R. 24733) granting an increase of pension to John H. Morrison;

A bill (H. R. 24740) granting an increase of pension to William E. Chase;

A bill (H. R. 24776) granting an increase of pension to David T. Taylor;

A bill (H. R. 24792) granting an increase of pension to William H. Penfield;

A bill (H. R. 24801) granting an increase of pension to George G. Martin;

A bill (H. R. 24807) granting an increase of pension to Horace E. Heath;

A bill (H. R. 24829) granting an increase of pension to John R. Robbins;

A bill (H. R. 24838) granting an increase of pension to Henry H. A. Walker;

A bill (H. R. 24845) granting an increase of pension to Andrew J. Price;

A bill (H. R. 24846) granting an increase of pension to Robert M. Wolf;

A bill (H. R. 24851) granting an increase of pension to Oren S. Rouse;

A bill (H. R. 25455) granting an increase of pension to Emma Hempler;

A bill (H. R. 24710) granting an increase of pension to Jacob Riner; and

A bill (H. R. 24769) granting an increase of pension to John George.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the bill (S. 8368) to amend an act to authorize the Baltimore and Washington Transit Company of Maryland to enter the District of Columbia, approved June 8, 1896, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HANSBROUGH (for Mr. DILLINGHAM), from the Committee on the District of Columbia, to whom was referred the bill (S. 7929) to provide a temporary home for ex-Union soldiers and sailors in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan; and

A bill (H. R. 1561) authorizing the Secretary of the Navy to grant an honorable discharge to Peter O'Neil.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 6068) to correct the military record of Conrad Hyne, reported it with an amendment.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 25627) to authorize the county of Armstrong, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Armstrong County, Pa., reported it without amendment.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 13605) to satisfy certain claims against the Government arising under the Navy Department, reported it with amendments, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (H. R. 25005) granting an increase of pension to Emeline H. Hardie, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 21413) granting an increase of pension to Mary S. Platt;

A bill (H. R. 24868) granting an increase of pension to John M. Stevens;

A bill (H. R. 24899) granting an increase of pension to Mary W. Lusk;

A bill (H. R. 24902) granting an increase of pension to John W. Rawlings;

A bill (H. R. 24905) granting an increase of pension to Susan E. Davis;

A bill (H. R. 24907) granting an increase of pension to Lloyd Roberts;

A bill (H. R. 24910) granting an increase of pension to William H. Churchill;

A bill (H. R. 24911) granting an increase of pension to James C. Cosgro;

A bill (H. R. 24921) granting an increase of pension to Patrick F. Shevlin, alias Patrick Burns;

A bill (H. R. 24924) granting an increase of pension to William V. Monroe;

A bill (H. R. 24940) granting an increase of pension to Timothy H. Gibson;

A bill (H. R. 24946) granting a pension to Phebe Wright;

A bill (H. R. 24947) granting an increase of pension to Edward Mailey;

A bill (H. R. 24957) granting an increase of pension to Francis H. Ferry;

A bill (H. R. 24958) granting an increase of pension to Henry Kanline;

A bill (H. R. 24961) granting an increase of pension to Augustus H. Hansell;

A bill (H. R. 24965) granting an increase of pension to Jacob Gilbrech;

A bill (H. R. 24968) granting an increase of pension to John Burke;

A bill (H. R. 24969) granting an increase of pension to Charles N. Stafford;

A bill (H. R. 24971) granting an increase of pension to Elijah Devore;

A bill (H. R. 24984) granting an increase of pension to Laurantah J. Hedgepeth;

A bill (H. R. 25020) granting an increase of pension to Cinderella B. McClure;

A bill (H. R. 25023) granting an increase of pension to Virginia C. Galloway;

A bill (H. R. 25025) granting an increase of pension to John Ham; and

A bill (H. R. 24861) granting an increase of pension to Otho E. D. Culbertson.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 23850) granting an increase of pension to William Freeman;

A bill (H. R. 23852) granting an increase of pension to James G. Crozer;

A bill (H. R. 23855) granting a pension to Sarah E. Selders;

A bill (H. R. 23857) granting an increase of pension to Isaac C. Smith;

A bill (H. R. 23864) granting an increase of pension to James A. Miller;

A bill (H. R. 23890) granting an increase of pension to Jacob B. Haslam;

A bill (H. R. 23912) granting an increase of pension to James E. Fitzgerald;

A bill (H. R. 23961) granting an increase of pension to Oscar N. Cowell;

A bill (H. R. 23966) granting an increase of pension to Hugh Stevenson;

A bill (H. R. 23967) granting an increase of pension to Henry Hill;

A bill (H. R. 23968) granting an increase of pension to Alexander McWhorter;

A bill (H. R. 23971) granting an increase of pension to Mary E. C. Butler;

A bill (H. R. 23974) granting an increase of pension to John P. Bennett;

A bill (H. R. 23982) granting an increase of pension to Thomas H. Seed;

A bill (H. R. 23997) granting an increase of pension to Michael M. Field;

A bill (H. R. 23999) granting an increase of pension to John F. Gough;

A bill (H. R. 24000) granting an increase of pension to Mary Holle;

A bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain;

A bill (H. R. 24015) granting an increase of pension to Aaron C. Sanford;

A bill (H. R. 24028) granting an increase of pension to George H. Boney;

A bill (H. R. 24030) granting an increase of pension to Andrew J. Foor;

A bill (H. R. 24031) granting an increase of pension to John Downey;

A bill (H. R. 24034) granting an increase of pension to Mary I. Banta;

A bill (H. R. 24037) granting an increase of pension to Theodore Teeple;

A bill (H. R. 24061) granting an increase of pension to John C. Nelson;

A bill (H. R. 24068) granting an increase of pension to John Maginnis; and

A bill (H. R. 24079) granting an increase of pension to David Jones.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 24397) granting an increase of pension to David Prunkard;

A bill (H. R. 24404) granting a pension to Lauraette La Fleur;

A bill (H. R. 24405) granting an increase of pension to Mary H. Bishop;

A bill (H. R. 24406) granting an increase of pension to Edmund Johnson;

A bill (H. R. 24413) granting an increase of pension to William Thomas;

A bill (H. R. 24414) granting a pension to Van C. Wilson;

A bill (H. R. 24419) granting a pension to Belle M. Ocker;

A bill (H. R. 24483) granting a pension to Clarence W. Thomas;

A bill (H. R. 24493) granting an increase of pension to Theodore Gage;

A bill (H. R. 24502) granting an increase of pension to A. Judson Conant;

A bill (H. R. 24504) granting an increase of pension to John H. Leiter;

A bill (H. R. 24518) granting an increase of pension to Reuben Nye;

A bill (H. R. 24530) granting an increase of pension to David Miller;

A bill (H. R. 24531) granting an increase of pension to David E. Jefferson;

A bill (H. R. 24553) granting an increase of pension to Sarah J. Reed;

A bill (H. R. 24560) granting an increase of pension to Margaret Lesley;

A bill (H. R. 24577) granting an increase of pension to John L. Flanery;

A bill (H. R. 24586) granting an increase of pension to Jotham A. Vincent;

A bill (H. R. 24700) granting an increase of pension to Joseph Brooks;

A bill (H. R. 25016) granting an increase of pension to Frederick G. Ackerman; and

A bill (H. R. 24532) granting an increase of pension to Absalom R. Shacklett.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 5878) for the relief of Phillip Hague, administrator of the estate of Joseph Hague, deceased, reported it with amendments, and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 8420) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes, reported it without amendment.

He also, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made and to dispose of the merchantable timber, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 25440) granting an increase of pension to Catharine Lipes;

A bill (H. R. 21721) granting a pension to John R. Kissinger; and

A bill (H. R. 9767) granting a pension to William J. Crane.

Mr. McCUMBER, from the Committee on Pensions, reported the following bills severally without amendment, and submitted a report thereon:

A bill (H. R. 25445) granting an increase of pension to William E. Webster;

A bill (H. R. 25451) granting an increase of pension to William H. Maxwell;

A bill (H. R. 25511) granting an increase of pension to Hiram Filkins;

A bill (H. R. 24223) granting a pension to Martha A. L. Stephens;

A bill (H. R. 24855) granting a pension to George W. Robins;

A bill (H. R. 15779) granting a pension to Margaret A. Jordan;

A bill (H. R. 12021) granting a pension to James M. Wood;

A bill (H. R. 22283) granting an increase of pension to Stoddard Caswell;

A bill (H. R. 23442) granting an increase of pension to James J. Lawley;

A bill (H. R. 25255) granting an increase of pension to Samuel Loy;

A bill (H. R. 25256) granting an increase of pension to Cyrus W. Scott;

A bill (H. R. 25257) granting an increase of pension to James H. Phillips;

A bill (H. R. 25260) granting an increase of pension to Thomas J. Richie;

A bill (H. R. 25261) granting an increase of pension to William M. Helvy;

A bill (H. R. 25263) granting an increase of pension to Thomas McDermott;

A bill (H. R. 25288) granting an increase of pension to Minna Y. Field;

A bill (H. R. 25303) granting an increase of pension to Adeline Brown;

A bill (H. R. 25305) granting an increase of pension to Edgar A. Stevens;

A bill (H. R. 25309) granting an increase of pension to Joseph Casavaw;

A bill (H. R. 25325) granting an increase of pension to Polly Ann Bowman;

A bill (H. R. 25328) granting an increase of pension to James W. Barr;

A bill (H. R. 25354) granting a pension to Alice House;

A bill (H. R. 25355) granting a pension to William McCraney;

A bill (H. R. 25391) granting an increase of pension to Richard Gogin;

A bill (H. R. 8894) granting an increase of pension to James C. Strong; and

A bill (H. R. 22709) granting a pension to Martha E. Muhlenfeld.

Mr. NEWLANDS. I submit the views of the minority of the Committee on Territories on the bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska, which is now on the Calendar. I also present an amendment in the nature of a substitute for that bill, which I ask may be printed.

The VICE-PRESIDENT. The views of the minority presented by the Senator from Nevada will be printed with the majority report, and the amendment will also be printed.

ESTATE OF SAMUEL GARLAND.

Mr. STONE. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8426) authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation, to report it back favorably. It is a bill of one section and I am directed to ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from Maine [Mr. HALE] gave notice of opposition to the consideration of bills by unanimous consent.

Mr. HALE. I had already given notice that the Senator from Vermont is waiting to go on with the appropriation bill, and I shall ask for the regular order.

Mr. STONE. If I can not get consideration of the bill at this time, I will withdraw the report and take better chances hereafter.

The VICE-PRESIDENT. The Senator from Missouri withdraws the report.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 8536) granting an increase of pension to Harry G. Morton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 8537) for the relief of the heirs and legal representatives of George S. Simon; and

A bill (S. 8538) for the relief of the heirs and legal representatives of Asahel Bliss.

Mr. LONG introduced a bill (S. 8539) relating to proof of signatures and handwriting; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 8540) to ratify a certain lease with the Seneca Nation of Indians; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. WETMORE introduced a bill (S. 8541) granting an increase of pension to George H. Paddock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 8542) to authorize W. D. Clay and others to select lands in lieu of lands purchased by the father of said parties from the United States Government and lost by said heirs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. CULBERSON introduced a bill (S. 8543) for the relief of Sarah M. Harrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 8544) for the relief of Joseph H. Fesperman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 8545) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations and to extend the protection of the laws of the United States over the Indians, and for other purposes," approved February 8, 1901;

which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 8546) to amend section 4756 of the Revised Statutes, relating to half rating to disabled enlisted persons serving twenty years in the Navy or United States Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LONG introduced a joint resolution (S. R. 94) extending the provisions of the act of June 27, 1890, to include the officers and privates of Capt. David Beatty's company of independent scouts and the widows and minor children of all such persons, also extending the provisions of the act of 1907 to the officers and privates of said company; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. RAYNER submitted an amendment proposing to appropriate \$130,629.67, being for the expenses incurred in the reconstruction of the Providence Hospital buildings, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate \$50,000 for continuing the improvement of movable dam No. 9, in the Ohio River, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for continuing the improvement of movable Dam No. 10, in the Ohio River, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CONSTITUTIONAL AMENDMENT AGAINST POLYGAMY.

Mr. DUBOIS submitted the following resolution; which was read:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized and instructed to prepare and report to the Senate, within thirty days after the beginning of the next session of Congress, a joint resolution of the two Houses of Congress, proposing to the several States amendments to the Constitution of the United States which shall provide, in substance, for the prohibition and punishment of polygamous marriages and plural cohabitation, contracted or practiced within the United States and in every place subject to the jurisdiction of the United States; and which shall, in substance, also require all persons taking office under the Constitution or laws of the United States, or of any State, to take and subscribe an oath that he or she is not, and will not be, a member or adherent of any organization whatever the laws, rules, or nature of which organization require him or her to disregard his or her duty to support and maintain the Constitution and laws of the United States and of the several States.

Mr. DUBOIS. I ask that the resolution may go over until to-morrow, and to-morrow I hope to get a vote of the Senate upon the passage of the resolution.

The VICE-PRESIDENT. The resolution will lie over.

CONFERENCES AND CONFERENCE REPORTS.

Mr. TILLMAN. I ask for the immediate consideration of the resolution I send to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Rules be requested to consider the matter of conference reports and the power of conferees in dealing with the same; to determine what is permissible and what is not, and to report a rule to the Senate covering the subject-matter and providing for the orderly procedure in such cases.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CULBERSON. I do not know whether the Senator from South Carolina was present or is advised about it, but I invite his attention to the resolution which I introduced some weeks ago—a month ago, probably—directing the Committee on Rules to incorporate in the Senate Manual the rules governing conferences and conference reports, prepared by the clerk of the Committee on Appropriations, which has practically been adopted as the rules of the Senate, I understand. I will ask the Senator from Wisconsin if any action has yet been taken by the Committee on Rules upon that resolution?

Mr. SPOONER. It is expected that the committee will meet to-morrow and act on the resolution. But I do not think, if the committee should act upon it, it would accomplish the purpose which is sought by the Senator from South Carolina. Incorporating them in the Manual as a matter of information would not make them rules of the Senate.

Mr. CULBERSON. I understand that those rules are practically the rules of the Senate now. They would be more effective, it is true, if the Senate should formally adopt them as the rules of the Senate.

Mr. SPOONER. There is no rule of the Senate now which warrants a point of order upon a conference report, I understand. I think the Senator from South Carolina has in view the adoption of a rule which will—

Mr. TILLMAN. Settle it.

Mr. SPOONER. Give power to raise that question. It is done in the House. The resolution does not at all conflict with the matter referred to by the Senator from Texas.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from South Carolina.

The resolution was agreed to.

ELASTICITY IN THE CURRENCY.

Mr. DEPEW submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on Finance be authorized to investigate and report what legislation, if any, may be necessary in relation to the deposit of public moneys and the issue of currency to prevent conditions of abnormal and dangerous rates of interest at certain periods of the year and provide such elasticity in the currency that it will be more responsive to the conditions of business.

UNITED STATES MILITIA.

Mr. DICK submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed, at the Government Printing Office, for the use of the War Department, 2,500 copies of the report of The Military Secretary of the Army relative to the militia of the United States for the fiscal year ended June 30, 1906.

INCORPORATION OF BANKS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the House of Representatives be requested to return to the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I move that the Senate proceed to the consideration of the agricultural appropriation bill.

The motion was agreed to.

BAYOU BARTHOLOMEW BRIDGE, LOUISIANA.

Mr. McENERY. I ask the Senator from Vermont to yield to me for a moment.

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Louisiana?

Mr. PROCTOR. I yield to the Senator.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (H. R. 22338) to bridge Bayou Bartholomew, in Louisiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN TRIBAL FUNDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. CLAPP, Mr. SUTHERLAND, and Mr. STONE as the conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A messenger from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts:

On February 19:

S. 6205. An act granting a pension to Hansford G. Gilkeson;
S. 6408. An act granting a pension to Mary Louise McLean;
S. 7337. An act granting a pension to Henry W. Blair;
S. 7339. An act granting a pension to Julia C. R. Baird;
S. 7378. An act granting a pension to Giles M. Caton;
S. 7744. An act granting a pension to Josephine Brackett;
S. 5699. An act granting an increase of pension to Adelaide D. Merritt;

S. 5836. An act granting an increase of pension to Daniel Loosley;

S. 5886. An act granting an increase of pension to Anna E. Hood;

S. 5912. An act granting an increase of pension to Nathaniel Green;

S. 5991. An act granting an increase of pension to George F. Ford;

S. 6050. An act granting an increase of pension to Edward W. Galligan;

S. 6137. An act granting an increase of pension to Fannie L. Pike;

S. 6139. An act granting an increase of pension to Eliza Brusie;

S. 6143. An act granting an increase of pension to Thomas J. Northrop;

S. 6145. An act granting an increase of pension to Enoch Bolles;

S. 6223. An act granting an increase of pension to William E. Cummin;

S. 6233. An act granting an increase of pension to George E. Vanderwalker;

S. 6273. An act granting an increase of pension to William J. Wells;

S. 6278. An act granting an increase of pension to Henry Humble;

S. 6325. An act granting an increase of pension to David A. Edwards;

S. 6350. An act granting an increase of pension to Silas G. Clark;

S. 6351. An act granting an increase of pension to Andrew J. West;

S. 6372. An act granting an increase of pension to Marvin Osgood;

S. 6431. An act granting an increase of pension to R. Smith Coats;

S. 6436. An act granting an increase of pension to George W. Kelsey;

S. 6459. An act granting an increase of pension to Ellen Carpenter;

S. 6532. An act granting an increase of pension to Joseph Daniels;

S. 6571. An act granting an increase of pension to William I. Ross;

S. 6573. An act granting an increase of pension to John A. Williams;

S. 6582. An act granting an increase of pension to Moses Rowell;

S. 6584. An act granting an increase of pension to John Heath;

S. 6587. An act granting an increase of pension to Marcus M. Currier;

S. 6588. An act granting an increase of pension to Arthur Hathorn;

S. 6589. An act granting an increase of pension to Washington D. Gray;

S. 6590. An act granting an increase of pension to Theron Hamner;

S. 6623. An act granting an increase of pension to Mollie J. Mitchell;

S. 6624. An act granting an increase of pension to Alvin N. D. Kite;

S. 6625. An act granting an increase of pension to Anderson Henry;

S. 6633. An act granting an increase of pension to Benjamin F. Wright;

S. 6637. An act granting an increase of pension to James J. Eubank;

S. 6656. An act granting an increase of pension to Eli M. Skinner;

S. 6670. An act granting an increase of pension to Dana H. McDuffee;

S. 6671. An act granting an increase of pension to Horace P. Marshall;

S. 6687. An act granting an increase of pension to Henry W. Mahaney;

S. 6703. An act granting an increase of pension to John H. Niblock;

S. 6706. An act granting an increase of pension to James T. Stewart;

S. 6708. An act granting an increase of pension to Columbus B. Mason;

S. 6710. An act granting an increase of pension to Thomas P. Way;

S. 6722. An act granting an increase of pension to William Arnold;

S. 6732. An act granting an increase of pension to John Trefry;

S. 6733. An act granting an increase of pension to Anna D. Barnes;

S. 6736. An act granting an increase of pension to Charles H. Tracy;

S. 6769. An act granting an increase of pension to James T. McReynolds;

S. 6793. An act granting an increase of pension to Simon Peter Wallerson;

- S. 6800. An act granting an increase of pension to Esther Eldridge;
- S. 6811. An act granting an increase of pension to James Carpenter, jr.;
- S. 6820. An act granting an increase of pension to Henry M. Bullard;
- S. 6823. An act granting an increase of pension to John H. Holsey;
- S. 6827. An act granting an increase of pension to Theodore J. Sweeting;
- S. 6828. An act granting an increase of pension to Walter D. Greene;
- S. 6830. An act granting an increase of pension to Daniel L. Seavey;
- S. 6835. An act granting an increase of pension to George Maybury;
- S. 6875. An act granting an increase of pension to Lemuel T. Williams;
- S. 6876. An act granting an increase of pension to Jesse L. Pritchard;
- S. 6914. An act granting an increase of pension to Albert T. Barr;
- S. 6915. An act granting an increase of pension to Samuel G. Healy;
- S. 6916. An act granting an increase of pension to Nathan E. Stover;
- S. 6933. An act granting an increase of pension to Fredrick Middaugh;
- S. 6935. An act granting an increase of pension to William R. Neil;
- S. 6936. An act granting an increase of pension to Robert Jenkins;
- S. 6937. An act granting an increase of pension to Michael Rosbrugh;
- S. 6943. An act granting an increase of pension to Lewis A. Grant;
- S. 6947. An act granting an increase of pension to Charles M. Brough;
- S. 6948. An act granting an increase of pension to Albert H. Nash;
- S. 6957. An act granting an increase of pension to Hiram Siegfried;
- S. 6958. An act granting an increase of pension to Keziah Walker;
- S. 6960. An act granting an increase of pension to Thomas Ashton;
- S. 6963. An act granting an increase of pension to William B. Sayles;
- S. 6964. An act granting an increase of pension to Silas N. Palmer;
- S. 7025. An act granting an increase of pension to James C. West;
- S. 7053. An act granting an increase of pension to Solomon Draper;
- S. 7056. An act granting an increase of pension to Frederick Carel;
- S. 7060. An act granting an increase of pension to John Hager;
- S. 7062. An act granting an increase of pension to John Monroe;
- S. 7066. An act granting an increase of pension to Timothy Drew;
- S. 7067. An act granting an increase of pension to Edmund Fillio;
- S. 7069. An act granting an increase of pension to Marshall Johnson;
- S. 7074. An act granting an increase of pension to William Jenkins;
- S. 7075. An act granting an increase of pension to John S. Lewis;
- S. 7094. An act granting an increase of pension to George B. Drake;
- S. 7101. An act granting an increase of pension to Catherine Matimore;
- S. 7105. An act granting an increase of pension to Samuel Baker;
- S. 7119. An act granting an increase of pension to Charles Boxmeyer;
- S. 7157. An act granting an increase of pension to Austin S. Dunning;
- S. 7161. An act granting an increase of pension to George A. Tyler;
- S. 7162. An act granting an increase of pension to William H. Sheckler;
- S. 7174. An act granting an increase of pension to Rebecca Faggart;
- S. 7175. An act granting an increase of pension to Adline Mabry;
- S. 7192. An act granting an increase of pension to Noah Jarvis;
- S. 7193. An act granting an increase of pension to David C. Benjamin;
- S. 7220. An act granting an increase of pension to Nancy Bethel;
- S. 7243. An act granting an increase of pension to Justus B. Coomer;
- S. 7246. An act granting an increase of pension to William H. Berry;
- S. 7265. An act granting an increase of pension to John R. McCoy;
- S. 7293. An act granting an increase of pension to John White;
- S. 7294. An act granting an increase of pension to William P. Pattison;
- S. 7295. An act granting an increase of pension to Gabriel Campbell;
- S. 7335. An act granting an increase of pension to Charles C. Burt;
- S. 7349. An act granting an increase of pension to Luke M. Lewis;
- S. 7350. An act granting an increase of pension to Richard Dodge;
- S. 7353. An act granting an increase of pension to Augusta T. Eichholtz;
- S. 7356. An act granting an increase of pension to Henry Schlosser;
- S. 7358. An act granting an increase of pension to David Turner;
- S. 7361. An act granting an increase of pension to George Downing;
- S. 7377. An act granting an increase of pension to Martha J. Collins;
- S. 7384. An act granting an increase of pension to Orson B. Johnson;
- S. 7398. An act granting an increase of pension to Page G. Potter;
- S. 7402. An act granting an increase of pension to Francis H. De Castro;
- S. 7428. An act granting an increase of pension to Helen C. Lettenmayer;
- S. 7445. An act granting an increase of pension to Charles J. Freese;
- S. 7554. An act granting an increase of pension to Amelia R. Randolph;
- S. 7556. An act granting an increase of pension to Thomas Spanton;
- S. 7558. An act granting an increase of pension to Mary Morgan;
- S. 7566. An act granting an increase of pension to John Anslow;
- S. 7617. An act granting an increase of pension to Victor H. Coffman;
- S. 7623. An act granting an increase of pension to Sarah A. Kumler;
- S. 7640. An act granting an increase of pension to Stephen H. S. Cook;
- S. 7672. An act granting an increase of pension to Elvina Adams;
- S. 7673. An act granting an increase of pension to William W. Jordan;
- S. 7724. An act granting an increase of pension to Paul J. Christian;
- S. 7740. An act granting an increase of pension to Dwight Simpson;
- S. 7919. An act granting an increase of pension to John D. Abel;
- S. 7475. An act granting an increase of pension to William D. Hudson;
- S. 7484. An act granting an increase of pension to Samuel E. Coover;
- S. 7486. An act granting an increase of pension to Byron A. Williams;
- S. 7488. An act granting an increase of pension to William W. Putnam;
- S. 7489. An act granting an increase of pension to Albert C. Wagner;
- S. 7505. An act granting an increase of pension to Michael Bogue;

S. 7513. An act granting an increase of pension to Alexander M. Cowgill;

S. 7543. An act granting an increase of pension to Robert B. McCumber; and

S. 7998. An act granting an increase of pension to George N. Julian.

On February 20:

S. 7211. An act to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904;

S. 7515. An act to authorize the Missouri River Improvement Company, a Montana corporation, to construct a dam or dams across the Missouri River;

S. 4403. An act to regulate the immigration of aliens into the United States; and

S. 7793. An act to fix the time for holding the circuit and district courts of the United States in and for the northern district of Iowa.

On February 21:

S. 6364. An act to incorporate the National Child Labor Committee; and

S. 8283. An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes.

ROSEBUD INDIAN RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted land in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GAMBLE. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. GAMBLE, Mr. BRANDEGEE, and Mr. DUBOIS as the conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 25483. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

Mr. CLARK of Wyoming. Mr. President, at the close of the debate on the forestry proposition a couple of days ago the Senator from Wisconsin [Mr. SPOONER] had made some observations regarding the Forest Service. With nearly everything that the Senator said I heartily agreed; but I think it is proper to take this opportunity to state the position of many of those who oppose the extraordinary features of this agricultural appropriation bill. I think it is proper to give a statement of the position which they occupy in regard to the Forestry Service as a service.

Certainly there can be no section of the country that is more interested in the proper conservation of the forests and the proper conservation of the waters of the arid regions than the people who live in those regions. I think there will be found no voice raised against a proper forestry policy by those who are opposing, as I said, these extraordinary provisions. We have complained, and complained bitterly at times, as to the administration and the policy that is pursued in the carrying out of the Forestry Service.

I take occasion here and now also, from a personal acquaintance of a number of years, to bear my testimony to the high character of the man who is at present at the head of that Service. But, Mr. President, I think there is very little conception on the part of the Senate of the United States or the country as to the extent to which the Forest Service has been carried and the power of the Forester increased. The very high character and the earnestness and the single-mindedness of the man who has had charge of that Service has worked to the irreparable injury of the section of the country over which it is extended. He is a man who is single in his aim. He has made forestry the study of his lifetime. Therefore it is not strange that he can not see things in their true relative value. To him the preservation of the forests and forest culture are the high-

est earthly object attainable. But many of us who live near the forests believe that it is better to devote an acre that will support a man to the support of the man, instead of to the support of the trees. It is unfortunate that in viewing matters from his standpoint he can not realize the practical necessities and difficulties that occur to those who have not the Forest Service primarily in mind.

The Senator from Wisconsin in his closing remarks—and I sought a moment then to say a few words, but it was late—said, in reply to a few remarks by the Senator from Indiana, that it was no part of the intention of the Forestry Service to do aught than that for which it was created, to wit, the conservation of the forests and the conservation of the streams; that there was no purpose to create game preserves or breeding grounds for wild animals. The Senator undoubtedly supposed that he was speaking true as to the fact; but I will say to the Senator that one of the declared purposes of the Forestry Service is to make of all the forest reserves game preserves. That is shown from the fact that in hearings before the committees of this body the Forester, Mr. Pinchot, has advocated making game preserves of the forest reserves. It is shown from the fact that there have been introduced and are now upon the Calendar, or perhaps have already passed the Senate, bills containing provisions that in certain States and in certain reserves there shall be game preserves. Mr. President, I have here—

Mr. BEVERIDGE. Mr. President, will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. With pleasure.

Mr. BEVERIDGE. Would the fact that a forest reserve was also a game preserve injure the forests?

Mr. CLARK of Wyoming. Possibly not.

Mr. BEVERIDGE. Then, where is the criticism, assuming what the Senator says to be accurate, in making of the forest the double use of a forest reserve and a game preserve, since the killing off of the animals would not help the forests?

Mr. CLARK of Wyoming. That is not the proposition. The statement was made that there was no intention to create game preserves in the forest reserves. I do not care now to argue the relative value of forest reserves and game preserves. I am merely controverting the statement that there was no such intention.

Mr. BEVERIDGE. I was not here; I was in my committee room; but evidently, from what the Senator says, the observation of the Senator from Wisconsin was made in answer to some sort of a criticism that had been made upon the Department because in its administration of the forests it actually had prevented the killing of animals.

Mr. CLARK of Wyoming. No; no.

Mr. BEVERIDGE. The question that naturally runs through my mind—

Mr. CLARK of Wyoming. The Senator must state it squarely.

Mr. BEVERIDGE. Well, state it squarely, then.

Mr. CLARK of Wyoming. Not as the Senator stated it, but to make game preserves.

Mr. BEVERIDGE. Well, to make game preserves; put it in the Senator's language. But the question which suggested itself to my uninstructed mind upon this subject was whether or not, if the forest preserves were a good thing, which the Senator admits, they would be injured by making them at the same time game preserves; and a Senator who sits at my left, who knows all about the subject, tells me that the forests are not only not injured by making them also game preserves, but they are actually benefited.

Mr. CLARK of Wyoming. I expect they would be, because if you make them game preserves you will not find any sheep grazing on them. But my objection is this—and the Senator forces from me, by his very plain question, a statement of my democracy—I do not believe that the General Government of the United States has any authority whatever to establish any police regulations in a sovereign State, and I question the power of the Government to establish a game preserve as against the police power or the game power of a State. But I do not want to enter into the discussion, Mr. President, as to whether that is the law or not. I am discussing the fact as to whether it is the intention of the Forest Service to establish game preserves. Whether it be good or bad is not to the purpose of the argument.

Mr. BEVERIDGE. Will the Senator permit me another question?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. I am not going to interrupt the Senator long. But upon the interesting governmental question which

he suggests—and of course we are not going into the debate on that, for it would probably take several sessions to debate it—the Senator must also add to his statement that these forestry reserves are created not out of land belonging to the States, but out of land the title to which is and always has been in the nation.

Mr. CLARK of Wyoming. But the fact that the title is in the nation does not divest the State of jurisdiction over the land, even though it belongs to the nation.

Mr. BEVERIDGE. Furthermore, all of the land that is in the State to which the State has title was given to it by the nation, just as the State itself was created by the nation.

Mr. CLARK of Wyoming. Let me ask the Senator a question on that. I want to get the Senator's view. Does the Senator contend that because this is Government land the State has no jurisdiction over it, police or otherwise, when it is put into a forest reserve?

Mr. BEVERIDGE. I do not think the question is pertinent to the subject. The Senator was criticising and was making a statement of what he declared to be his democracy.

Mr. CLARK of Wyoming. I was not criticising; I was answering the Senator.

Mr. BEVERIDGE. That the National Government, as a fundamental governmental proposition, does not have the right to exercise what he calls the police power within the limits of a sovereign State over land belonging to the Government.

Mr. CARTER. If the Senator from Wyoming will permit me—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. Certainly.

Mr. CARTER. I think the statement of the Senator from Wyoming, as a matter of law, is sound. The best judicial pronouncement on this question of which I have knowledge is contained in an opinion by Judge Sawyer, of the circuit court of California, in *The Mining Débris* case (*Woodruff v. Mining Company*, 9 Sawy., 441, 491; 18 Fed. Rept., 753, 772). The concluding and pertinent part of the opinion reads as follows:

Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land.

Mr. BEVERIDGE. In other words, Mr. President—and I am sure—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. I am sure that the whole opinion can not bear out just what a portion of it would seem to imply, and of course we can not take the time for the discussion of that, but I point out to the Senator that what he has read means this, that in a State which the nation itself has created and as to the land which the nation itself owns, the nation—the creator—stands upon no other footing than any other citizen, and is, for the purposes of ownership of the land, merely a citizen of the State. That is absurd.

Mr. CARTER. In the first place, the National Government did not create the States. The people living within a given jurisdiction create a State, which is admitted into the Union on an equal footing with the original thirteen States.

Mr. BEVERIDGE. I think the Senator will agree with me that the people created the material for statehood and the nation created that governmental entity called the "State."

Mr. CARTER. That is a difference of opinion upon the technical statement of the case. But I think it would be well to quote further from the opinion which I read, all that part which is pertinent to this discussion, to the end that the RECORD may disclose the full statement.

Upon the cession of California by Mexico the sovereignty and the proprietorship of all the lands within its borders, in which no private interest had vested, passed to the United States. Upon the admission of California into the Union upon an equal footing with the original States the sovereignty for all internal municipal purposes and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States passed to the State of California. Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Massachusetts?

Mr. CLARK of Wyoming. Yes.

Mr. LODGE. If the Senator will allow me to make a state-

ment. I have listened to the decision quoted by the Senator from Montana [Mr. CARTER] and the statement of the Senator from Wyoming [Mr. CLARK] with profound interest, because it appears that there is one law in the East and another law in the West. There happens to be a reservation purchased by the Government for fortification purposes in the little town where I live. Through that reservation passes a town road that has been there for half a century or more, built by the town. We can not even run a street railway-track over that road without the permission of the Government.

Mr. CLARK of Wyoming and Mr. FULTON addressed the Chair.

Mr. LODGE. Wait; let me finish my sentence. We can not enter that Government reservation for police purposes; it is absolutely taken from us.

Mr. BEVERIDGE. Mr. President—

Mr. LODGE. One minute; let me finish. In the West is all this territory, bought or conquered by the old States. We acquired it all. On that territory citizens went and formed a State which we recognized. Part of that State belongs to the Government in the form of public lands, and now we are told here that the United States can not control its own land, the title of which never parted from it. If they can not do it in the West, they can not do it in the East. I have never in my life heard of State rights carried to that extravagant extent.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. And not only that, Mr. President; not only the observation made by the Senator from Massachusetts, but this further deduction from the decision, or the part of it which the Senator from Montana read, is that not only has the Government of the United States, which owns the land and always owned the land, and which created the governmental entity known as the "State"—not only is the nation on the footing of any other citizen or owner, but that it—the nation—over its own land is subject to the local laws of the State which the nation itself created. That is absurd.

Mr. CLARK of Wyoming. I must decline to yield further, because I want a little say in this myself, and I do not propose to be put in the wrong nor have the West put in the wrong.

The statement of the Senator from Massachusetts [Mr. LODGE] I presume is correct, because I think it is the universal practice of the Government of the United States, when it takes a reservation purchased from a State, to compel the State to cede jurisdiction over that reservation. That is the reason the United States and not the State of Wyoming has jurisdiction in the great Yellowstone National Park.

Mr. FULTON. Mr. President—

Mr. CLARK of Wyoming. Just wait until I have finished one sentence and then I will yield. The United States has jurisdiction over the Yellowstone National Park not because it is the property of the United States, but because the legislature of Wyoming specially ceded its jurisdiction over the Yellowstone National Park; and to say that the Government of the United States is not subject to local control of its lands is to say that lawlessness, in so far as State control is concerned, shall prevail over the whole area of the western country, the title to which is in the Government of the United States. It is a proposition that can not stand either in law or good morals. Now I yield to the Senator from Oregon.

Mr. FULTON. I desire to call the attention of the Senator from Wyoming to the provision, with which, of course, he is perfectly familiar, in the Constitution which gives to the General Government exclusive jurisdiction over land ceded to it for military purposes, for the purpose of building forts and arsenals, and buildings of that character. That is where the distinction lies. Under the Constitution the General Government has exclusive jurisdiction in cases of that character.

Mr. CLARK of Wyoming. Mr. President, there is no question as to that, the Senator from Massachusetts to the contrary notwithstanding.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. BEVERIDGE. I have arranged with the Senator that he would yield to this question, Mr. President. I must press this further question upon the Senator from Wyoming and the Senator from Montana. In view of the position the Senators have taken, I merely ask this question. Do they contend that the United States, as the proprietor of the land within the borders of a State, is subject to the laws of the State with respect to its own property?

Mr. CLARK of Wyoming. Well, the Senator having thought

out the question and asked it with deliberation, I should like to have him repeat it.

Mr. BEVERIDGE. I think I can repeat it almost verbatim. Does the Senator contend that the United States with respect to its own land, located within the limits of a State, is subject to the laws of that State, like any other proprietor of land?

Mr. CLARK of Wyoming. Oh, no. As to taxation and matters of that sort the Government is exempt. But the proposition of the Senator from Wyoming is this, that the power of the State extends over the lands of the Government and the jurisdiction extends over the lands of the Government, the same as over the lands of any other proprietor, except where exclusive jurisdiction is retained in the Government; in other words—and I will content myself with this answer and the Senator must content himself with it, because I do not want to branch out into that discussion—if a crime is committed upon the public land of the United States, the State control covers that land and the crime is triable in the State court and not in the United States court. I do not care, Mr. President, about that, however, and I shall decline to pursue this matter further, because it does not pertain to the question which was raised by the statement of the Senator from Wisconsin that so far as he knew, there was no desire to make game preserves out of the forest reserves.

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. CLARK of Wyoming. Certainly.

Mr. SPOONER. I made that observation because the purposes of the forest reserve, as declared by the law, do not include the establishment of game preserves. That was the sense in which I intended to speak; that it was not considered one of the objects at all, however, it might be considered incidentally. Now, if the Senator will permit me, I doubt if we disagree upon the matter which he is discussing. Of course when a Territory is admitted into the Union, all police power which theretofore had existed in Congress passes to the State. The State, of course, makes its game laws. The title, however, of the Federal Government to its lands in the State is not in the slightest degree affected.

Mr. CLARK of Wyoming. Not in the slightest.

Mr. SPOONER. As an owner or proprietor the Federal Government has the power to do in the States—and the right to do in the States—as to its lands what other proprietors in the States may do. The Senator, I suppose, will not deny that the Government has the right to prevent hunting upon its lands just as individual proprietors may do, if they see fit.

Mr. CLARK of Wyoming. I am inclined to think the Senator is right, although I hesitate to accept the doctrine.

Mr. SPOONER. But the Government, the Senator would contend—and as to that I would not for a moment controvert him—can not establish game laws and game regulations in conflict with the game laws of the State.

Mr. CLARK of Wyoming. That is certainly the position of the Senator from Wyoming.

Mr. SPOONER. But the power of the Government to create upon its land a game preserve in order to preserve the animals the Senator would not deny.

Mr. CLARK of Wyoming. I would not. I am not attempting to deny any power. I am simply leading up to a question which I intended to present to the Senator from Wisconsin and others when we were drawn off by the discussion of this constitutional question.

Mr. BEVERIDGE. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. With pleasure.

Mr. BEVERIDGE. The proprietor of land—the private person—as the Senator from Wisconsin, of course, said, can permit hunting on his land or exclude it.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. Therefore he can prescribe rules by which he will permit you or me or anybody else to go on the land, if he wants to, can he not?

Mr. SPOONER. I think not. That is to say—

Mr. BEVERIDGE. If I own a thousand acres of forest land, I can keep you and everybody else from hunting on it, if I see fit.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. Or I can let you all go on it, if I wish, or I can permit you, as a personal friend, to go on it, if I wish, or I may exclude some person that I do not like.

Mr. SPOONER. Yes.

Mr. BEVERIDGE. Owning this land, having all these rights,

does the Senator mean to say the greater does not include the less, and that so far as this thousand acres is concerned I can not establish rules which shall give the man who manages that land for me the discretion by which the public may go in and hunt or be kept out?

Mr. SPOONER. What I mean to say is this: That if the Senator owns lands, he may permit me to go upon it or he can prohibit me from going upon it.

Mr. BEVERIDGE. Yes.

Mr. SPOONER. He may permit me to go upon it to hunt partridges, if you please, but he can not make it lawful by his permission for me to kill partridges upon his land when the State law provides that in that month no partridges shall be killed in the State.

Mr. BEVERIDGE. Quite so; but the Senator stated that no rules could be established.

Mr. SPOONER. I did not.

Mr. BEVERIDGE. If I can permit the Senator to go on or keep him off, as he states, can I permit him to go on and hunt in the forenoon and not in the afternoon?

Mr. SPOONER. I did not speak of that. I am speaking of the general law.

Mr. BEVERIDGE. So that if the analogy be made between the Government as a proprietor and an individual as a proprietor, then, even on that narrow basis, the Government has the same right to make all the rules that a private proprietor of land would have.

Mr. SPOONER. The Government has the right to permit hunters to go upon forest reservations and hunt during the period that hunting is permitted by the State.

Mr. BEVERIDGE. Yes; and in any way it pleases.

Mr. SPOONER. And no more. But we can not take the time of the Senator from Wyoming [Mr. CLARK].

Mr. BEVERIDGE. Could the Government over its own land prohibit hunting on its own land during the period when the State permits hunting?

Mr. SPOONER. Certainly.

Mr. BEVERIDGE. Very well; that is all. The Government does have some control over its own after all.

Mr. CLARK of Wyoming. Mr. President, I might have realized what a debate would be provoked by consenting to discuss a legal proposition on the floor of the Senate.

Mr. SPOONER. I think the Senator and I do not disagree.

Mr. CLARK of Wyoming. I think not at all.

But what I was directing attention to was the avowed intention of the Forestry Service to establish game preserves, and I was speaking not with the intention of antagonizing game preserves, not with the intention of expressing an opinion whether they were good or bad, but with reference to what has been hinted at by the Senator from Wisconsin, that this was not a matter contemplated by the act of Congress permitting the establishment of forest reserves. But the constant tendency of this Bureau ever since it has been established has been to reach out and cover ground, and more ground, and accumulate to itself power and authority that never was contemplated by the Congress of the United States and which is detrimental and injurious to and almost destructive of the interests of many sections of our country.

Who could have supposed when, in 1891, Congress authorized the President of the United States by Executive proclamation to set aside forest lands that within this brief time 200,000 square miles of land would be set apart from settlement among the lands and mountains of the West? We do not understand the significance of these figures. But if I say to the Senate of the United States that within the last few years there has been withdrawn from settlement, from entry, from useful occupation, from home making, a tract of land, substantially, which, taking a north and south line 200 miles through the city of New York, would extend west to the city of Chicago, a thousand miles, I am not overstating the amount of land. The Bureau of Forestry has withdrawn from the useful service of the people an amount of land which would cover acre for acre the whole of New England; add to New England the State of New York, the magnificent Commonwealth of Pennsylvania, the splendid empire of Ohio, and acre for acre you have covered the lands withdrawn under this forest policy. That is an astounding statement.

Then in some respects this agricultural bill is the most wonderful that has ever been presented to the Congress, because, in addition to 127,000,000 acres already withdrawn, it proposes to withdraw 400,000,000 acres more and put them under the charge of a single bureau chief. Mr. President, this bill gives to one man more power over men and property and money than is now held by any individual king, prince, potentate, or subject in any civilized country on the face of the earth. Against the grant of such a power my face is unalterably set. That seems

a broad statement, but it is true to the fact. On page 71 of this bill it is proposed to take all the grazing lands of the United States in the country where the forest reserves are—the arid region—and, as stated by the Chief of the Bureau, Mr. Pinchot, to put them under his charge to lease and let and permit upon at his will and at his figures.

The Bureau of Forestry is now the greatest lumbering interest on the face of the earth. Talk about your lumber barons; your lumber monopolies! Where is the man, save the Chief of this Bureau, who has under his absolute control 127,000,000 acres of timber, much of it the finest on God's footstool? Where is the man who can use the Government force and the whole power and treasure of the Government in his lumbering operations, selling to whom he pleases, in what amounts he pleases, and at what prices he pleases, and without responsibility to the Congress of the United States or any other body of men or authority? Show me the parallel in this Government or any other, if you can.

And then, if you care to, add to this 400,000,000 acres of land which he has asked us to put under his control, and he wields a power over an empire the like of which is not wielded by any other man beneath the shining sun.

We in the West have had troubles with the Forest Service. We recognize that in the proper administration of the forests and the proper conservation of our water supply lies our salvation. We believe that the forestry proposition is the salvation for our country. But it is being made the damnation of the country, and the time is coming, and coming soon, if this policy is pursued, when a halt will be called to the settlement, the development, the industries, and the future of the western country.

Mr. President, it has been impossible for us who have been under this service to properly place before the East our attitude. A man who nowadays raises his voice against the Forestry Service is at once denominated as a grafter, a timber baron, a robber of the public domain. A man who dares to criticize the administration of our public-land laws falls into the same category and is pilloried—if not in court, at least in the Departments and the public press—as a despoiler of the public domain.

When this question came before the Senate three or four days ago and a little information began to trickle through of the power sought to be taken by this Bureau, I was pleased and gratified to observe that when it reached the good old granite hills of New Hampshire and the senior Senator from New Hampshire [Mr. GALLINGER] found that the object and purpose of this Bureau was to control and sell the waters flowing from any forest reserve, and when he found out that the avowed purpose, as announced by its champion on the floor of the Senate, in the creation of the White Mountain Forest Reserve was to put a tax upon every spindle turning upon the Merrimac River, he began to sit up and take notice.

Mr. President, I want to go back to the matter of game preserves. One thing that we complain of is the improvident way in which these reserves have been created.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. CLARK of Wyoming. Certainly.

Mr. PATTERSON. Recurring to the amendment offered by the Senator from New Hampshire to prevent the Forest Reserve Service from charging for water within the reserves, I want to know whether the Senator from Wyoming desires to differentiate between the Government charging for the use of water within the forest reserves and compelling the owners of stock to pay to the Government a tax for grazing on the forest reserves. If the one is wrong, then the other is wrong.

Mr. CLARK of Wyoming. I think they are both wrong.

Mr. PATTERSON. I agree with the Senator, and it is my purpose, before we are through with this discussion, to offer an amendment prohibiting the Forest Reserve Bureau from charging the stockmen of the West for grazing their cattle and other stock within the limits of a reserve.

Mr. CLARK of Wyoming. As at present advised, I shall take pleasure in supporting the amendment to be proposed by the Senator from Colorado.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to his colleague?

Mr. CLARK of Wyoming. Certainly.

Mr. WARREN. I should like to appeal to my colleague, and more especially to the Senator from Colorado, to know if they propose to amend the law in a way which would leave the forest reserves locked up against the live stock of the western country, or whether they propose that the cattlemen and sheepmen shall have the right to graze, consistent with the

preservation of the reserve, under some other system which does not tax the live-stock men?

In this connection I will say that if the United States can afford to make no charge for grazing in the forests, I should be very glad to support that view. But, Mr. President, I do not want to be one of those, I do not believe my colleague wants to be one, I do not believe the Senator from Colorado wants to be one who would blot out all of this great domain that is reserved for forest reserves and lock it up against settlers, farmers, and stockmen and from grazing, and turn all of the stock now fed upon those reserves down upon the settlers and other stockmen in other parts of the western country. This to the ruin of stockmen and the destruction of the grasses upon the public domain.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. CLARK of Wyoming. Certainly.

Mr. PATTERSON. I will not occupy much of the time of the Senator from Wyoming.

I desire to say, speaking for myself and speaking for others who are not here, but who are deeply interested in the welfare of the country and the preservation of the grazing lands, that I am not one of those who for a moment would think of depriving the stockmen of the West of the grass within the forest reserves. My conviction is that the proceeds from the sale of timber alone will make the Forestry Bureau self-sustaining in a couple of years, and that no necessity exists for, and there is no wisdom in, changing a system that has prevailed up to the present time and ever since the West commenced to be settled.

Mr. President, I believe in forest reserves, but I believe in forest reserves, not in turning great areas of land that contain no forests into the exclusive possession of a bureau under the name of "forest reserves." The cattle and stock men of the West will in the future, as they have in the past, see to it that pasture is not destroyed, that rules and regulations which have always been adopted and enforced, just and equitable, shall continue to exist, but I insist that so far as the stockmen and everybody else in the West are concerned they shall not be deprived of the rights and privileges that every inhabitant of the United States has been enjoying ever since we have had public lands.

Mr. President, there should be forest reserves, but before forest reserves are declared there should be a classification of the lands within the areas which are denominated "forest reserves," and the lands that are agricultural and those that are mineral and which are not valuable for timber should be excluded from the forest reserves. When that is done we will have forest reserves in fact as well as in name, and there will be little or no objection heard from the people of the West when the reserves are instituted.

I beg pardon of the Senator from Wyoming for taking so much of his time.

Mr. BEVERIDGE. Will the Senator from Wyoming yield to me for a question?

Mr. CLARK of Wyoming. Not for a question as long as that of the Senator from Colorado.

Mr. BEVERIDGE. I would not presume to ask the Senator to yield for a question as long as that of the Senator from Colorado.

Mr. CLARK of Wyoming. I cheerfully yield to the Senator from Indiana.

Mr. BEVERIDGE. In answer to the Senator from Colorado, as to his purpose to put in an amendment preventing the Government from charging the stockmen for grazing their cattle on the forest lands, the Senator from Wyoming said he would support the amendment.

Mr. CLARK of Wyoming. As at present advised.

Mr. BEVERIDGE. As at present advised. I trust the Senator will get a little light later on which will change his view.

Mr. CLARK of Wyoming. I will act upon it if I do.

Mr. BEVERIDGE. I am sure the Senator will, and in order that he as well as I may get some light, I feel compelled to ask a question.

The Senator raised the analogy between the proprietorship by the Government of lands and the proprietorship by an individual of lands. The Senator from Colorado has referred to rights—that word has a legal meaning, and he is a lawyer—which the stockmen had in grazing without charge their cattle on the public lands. The question I wish to ask is this: If a private owner of land has the right to charge another person for grazing cattle on his lands and ought to do it, why ought not the Government of the United States to charge stockmen for grazing cattle on its land? Why should the Government of the United States deprive itself of its just revenues for the profit

of men already rolling in millions, that they may graze their cattle free?

Mr. CLARK of Wyoming. I shall not answer the legal question that is propounded. I suppose it was propounded to the Senator from Colorado. But I will say that ever since the English-speaking race existed the right of free common has existed. Ever since we have had a public domain that custom, growing into a right, has prevailed, and never has it been questioned.

Mr. BEVERIDGE. Will the Senator permit me to ask him another question, and I think I shall ask him no more?

Mr. CLARK of Wyoming. Yes.

Mr. BEVERIDGE. Does the Senator rest his position upon the right of common?

Mr. CLARK of Wyoming. I shall not answer a question of that sort, because the Senator is attempting to force me into a position I have not taken. The Senator said that I said I would support the amendment of the Senator from Colorado, as I am at present advised. But I took no position on that subject. I am subject to advice. If called upon to vote now, I should vote for the amendment. But I am not discussing, in this controversy at least, the propriety of the Government charging or not charging, like an individual. I hope the Senator will recognize the difference.

Mr. BEVERIDGE. I do. The question I am now asking the Senator is with reference to his last statement. I ask him whether or not he bases any contention of the right of stockmen to pasture their stock upon Government land free upon the ancient right of common?

Mr. CLARK of Wyoming. Not entirely.

Mr. BEVERIDGE. That is all.

Mr. CLARK of Wyoming. That is one of the reasons, but another reason is because I believe that the Government of the United States never was called into existence to become a merchant, to run a lumber yard, or to sell grass or hay. I believe it never was called into existence in order to make the public lands of the United States yield revenue. The policy of the public-land system ever since it was inaugurated was and has been to give away public lands free and without charge to those who would make their homes on them, and the charging of fees, the selling of water, or the selling of timber is a reversal of the policy of this Government in those particulars from the very first.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. CLARK of Wyoming. Certainly.

Mr. PATTERSON. I am somewhat involved in this part of the controversy, and I wish to make a very short suggestion to the Senator from Indiana in reference to this question.

There is a marvelous difference between the private ownership and the public ownership of land, and even though lands are in private ownership, if they are left unfenced they stand open to the use of the public, and the owner of private land is compelled, if he will prevent trespass upon them by cattle, to fence them from cattle and to exercise that character of ownership over them that is a warning to all that they are to be reserved strictly for private use.

Mr. BEVERIDGE. The Senator from Colorado challenges me. He must permit me to ask a question.

Mr. PATTERSON. I am not quite through.

Mr. BEVERIDGE. I did not expect to wait until the Senator got through.

Mr. CLARK of Wyoming. Mr. President, I think I must insist on these interruptions coming to an end.

Mr. PATTERSON. Let us settle this little controversy.

Mr. BEVERIDGE. It is not fair to the Senator from Wyoming to permit the Senator from Colorado—

Mr. CLARK of Wyoming. I will yield to the Senator for his question.

Mr. BEVERIDGE. I must say this to both Senators: The Senator from Wyoming must not permit the Senator from Colorado to directly ask me a question and call my attention to it without permitting me to answer.

Mr. CLARK of Wyoming. I yield to the Senator from Indiana. I hope the time taken for explanation may be usefully employed.

Mr. BEVERIDGE. Does the Senator from Colorado contend as a matter of law that the only way in which a private proprietor could keep the public off his land is by fencing? Would he not have the right to patrol it if he wished, or employ any other method that he wished?

Mr. PATTERSON. I think not. If the private owner of land keeps his land open, it is subject to be occupied by any cattle that are roaming or grazing in the country, and the owner of such stock is not subject to damages. There is a duty

devolving upon the private ownership of land. Public ownership can not be likened unto it. There is no proposition on the part of the Government to fence any of the forest reserves, and the man who has his stock grazing in their locality, if they cross the imaginary line, is supposed to be amenable to the criminal law and to suffer loss in pocket if not in person for permitting his live stock to go upon the public lands, which belong to all the people and which all the people have been occupying and using until this miracle of virtue and excellence made his appearance and so impressed his personality upon the Government that the public lands have been turned over to him to do with as he pleases.

I am a little tired of the adulation which has been moving through this Chamber from the time this discussion commenced and which has been poured out upon the head of the Chief of this Service.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. I will yield to the Senator for a moment.

Mr. BEVERIDGE. That is right. The Senator does it for the reason I have mentioned to him and which he understands.

The Senator from Colorado was not in the Chamber when the comparison was instituted between private proprietorship and Government proprietorship, which it was claimed was identical. That is rather a new and novel proposition to some of us. That part of the discussion the Senator missed. But the Senator from Colorado now makes Government proprietorship even less than private proprietorship in its rights. Pretty soon we will have the Government extinguished altogether in the interests of the cattle growers.

Mr. CLARK of Wyoming. I have never seen the least benefit in a legal discussion on the floor of the United States Senate upon collateral matters. A layman can get more advice on all sides of any subject in the Senate of the United States than in any law office on the face of the earth, and it is generally very unsatisfactory.

Mr. BEVERIDGE. I will say that the Senator himself suggested every legal point.

Mr. CLARK of Wyoming. After having yielded to the Senator for more than three-quarters of an hour to interject into the debate, I think it is hardly courteous for the Senator to make that observation, which was entirely uncalled for by anything that I had said in the way of pleasantry.

Mr. President, the point I started some hour and a half ago to attempt to elucidate was the impropriety with which reserves have been created. Perhaps it will not be uninteresting to recall the inception of the forest-reserve policy. In 1891 in a very small section of a bill we passed a law authorizing the President of the United States to set aside lands for forest reserves, the purpose at that time being to conserve the water supply, primarily. At that time it was thought that the matter was of some importance and that some definite system should be had and some method prescribed by which these lands should be segregated from the great body of the public lands. When that law was passed the Secretary of the Interior, under whose jurisdiction the execution of it passed, provided rules and regulations under which forest reserves should be established; and to see how closely it was in the mind of the Department at that time that the interests of the various localities should be consulted before a forest reserve should be created, it was provided that no forest reserve should be created until advertisement had been made for a number of weeks in the vicinity of the reserve, so that those who were concerned and who lived near by might have an opportunity to come forward and be heard.

Whether or not any forest reserves were established under that method I do not know. But there are Senators in the Chamber who were here with me when President Cleveland's first blanket reserve order was issued. It was a new thing to us. We found upon our desks one morning the proclamation of the President setting apart millions of acres of land without the knowledge, without the advice or the consent of a single Member of Congress or a single individual, so far as known, violating his own rules of procedure, setting aside the rules of the General Land Office and the Department of the Interior, and creating offhand these reserves. Reserves at that time were created upon the report of a commission which was authorized by the Congress of the United States. We had appropriated \$25,000 to pay the expense of the commission, who should travel through the mountain countries, examine the forests, and recommend for forest reserves such sections of land as they thought advisable and expedient. They returned to Washington and made their report. Upon their report President Cleve-

land's proclamation was issued. Upon that report millions of land in Wyoming, Idaho, Utah, Montana, Washington, and Oregon were taken out of the public domain.

It afterwards developed that that commission, in making its report, made no examination of the forests which it had created into reserves. In answer to my own question the chairman of the commission said that he had not been upon the reserves in my own State, although requested so to do, and although transportation facilities had been provided by the people who were interested in the subject-matter. From that day to this the creation of these forest reserves has gone along alike improvidently and often without knowledge beforehand of the citizens of the States where reserves are created.

There seems to be a disposition that wherever a piece of forest is heard of that immediately it shall be made into a forest reserve, whether it is upon the public domain or elsewhere. That has been most forcibly illustrated within the last ninety days, when there has been withdrawn from allotment in the Choctaw and Chickasaw and Cherokee nations of the Indian Territory 4,000,000 acres of Indian land.

Mr. President, the manner in which that reserve is sought to be created is but a fair illustration of the policy that has prevailed in the segregation of these lands. Under the law the Secretary of the Interior was directed to allot the lands to the Indians in Indian ownership. He was given the power after the allotment should have been made, if there was any surplus land, to sell it, in his discretion, for the best price obtainable for the benefit of the Indians.

While the allotment was in process, before the Indians had made all their selection, while selections were being made upon that particular tract of land or in that section of the country, the order went from the Interior Department to the Commissioner of the Five Civilized Tribes to suspend all allotments upon that particular section of the country and to take no action upon any allotments already made.

Protests began to come in, and inquiry was made of the Secretary of the Interior as to his purpose and the legality of his act. He said it was withdrawn at the request of the Secretary of Agriculture for forest-reserve purposes. Inquiry in detail was then made, and the Secretary of the Interior and the Secretary of Agriculture and Mr. Pinchot, the Chief Forester, came before the committee to explain just how it was proposed to make private lands into a Government forest reserve. The explanation was made that the withdrawal was simply tentative and temporary, giving Congress an opportunity to purchase from those Indians the 4,000,000 acres of land and turn them into a forest reserve.

The details of that transaction are interesting, and I think I will recite them as near as I can remember them. One Jack Gordon, a citizen of Texas, doubtless a very estimable man, wrote to the Secretary of the Interior and wanted to purchase a large amount of land in the southeastern part of Indian Territory to make a private game preserve. The Secretary of the Interior, doubting his authority to do that, referred the matter to the Agricultural Department for its opinion. Probably the Department of Agriculture and the Bureau of Forestry thought no man would care to have a private game preserve unless there was some timber upon it, and having had their attention called to the fact that there was timber in the southeastern part of the Indian Territory they at once conceived the idea of putting it into a forest reserve.

Thereupon the Department of Forestry sent its agent, one Mr. William F. Cox, its expert, down to explore the country. According to his statement he was there two weeks. Four million acres is a good bit of land if you try to walk over it in a week. He went down into that country, where probably he had never been before. A week of his time he spent in Muscogee, getting information from Government officials and others. The other week of his time he spent upon the land. At the end of two weeks—I think it was two weeks; it was an insignificant time anyway—he wired and made a written report to the Department here recommending the withdrawal of all the Indian lands from allotment east of the Missouri, Kansas and Texas Railroad, and embracing a section of country comprising 4,000,000 acres of Indian land.

I have his report before me, and I propose to read from it as illustrating the terribly careless manner in which forest reserves are created. The report goes on to state the kind of a country it is, that it is rough, that it is rocky, that some parts of it are good for agriculture, that much of it is not, that some of it has much valuable timber and some not so valuable, and recommends the withdrawal of the 4,000,000 acres.

Now, as to whether there are game preserves intended to be created in this tract, I wish to read and to have go into the

RECORD the concluding parts of the report. After, of course, giving the other standard reasons for a forest reserve, to conserve the waters, stop floods, etc., he says:

As a game refuge the reserve could be made exceedingly valuable, for then the game laws could be enforced.

I should like the attention of the Senator from Wisconsin [Mr. SPOONER] as to this particular matter.

At present deer are being hunted winter and summer, until even in the roughest mountains they are well-nigh exterminated. Two or three years ago turkeys were very abundant, and now they are everywhere scarce. If the enforcement of even very ordinary game laws—

The Senator from Wisconsin will observe that it is the idea to establish Government game laws—

such as a short open season and a reasonable bag for turkeys and prohibiting the use of dogs for hunting deer, the reserve would soon become very attractive to sportsmen and a delightful camping ground for people of the lower Mississippi River Valley.

Mr. SPOONER. From what is the Senator reading?

Mr. CLARK of Wyoming. I am reading a report upon which a forest reserve is sought to be created in the Indian Territory by the Forestry Department as illustrating the improvident manner in which these reserves are created and as further illustrating the fact that in the creation of the reserve something else is looked to beyond the preservation of the timber and the conservation of the waters.

That land, Mr. President, belongs to the Indians; not an acre of it to the United States. The proposition in this report is that the Government shall purchase that 4,000,000 acres of land from the Indians, at its appraised value, as a commercial proposition, and the statement is made that in three years enough revenue will be derived from it to pay the Indians the entire cost of the land.

Mr. President, I did not intend to speak of the merits of this particular proposition, but the iniquity of it is in the fact that of all graft ever attempted in the Indian Territory this is the largest and the most wholesale.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. CLARK of Wyoming. With great pleasure.

Mr. TILLMAN. Who makes the appraisement?

Mr. CLARK of Wyoming. I come to that now. The appraisement of that land is made by the Dawes Commission, acting, of course, under the Government of the United States. The Dawes Commission never attempted to appraise land at its true value. The appraisement of land by the Dawes Commission all over the Five Civilized Tribes was on a comparative basis, so as to regulate and approximate the proper amount of land that each individual would get as his share of the great common land of the Indians. So when they say that land is worth 25 cents an acre it does not mean that 25 cents is the value of that land, but it means that an acre of that land is worth only half as much as an acre of land appraised at 50 cents an acre. The consequence is that the value of land in the Indian Territory as appraised by the Dawes Commission does not approximate the true value of the land.

Now, the proposition of this inspector is that the Government shall take that land at its appraised value from the Indian, whether he wants to sell it or not, and that in three years the Government can get enough from the product of the land, buying it so low, to pay the Indians for the land and the Government will own it.

Mr. TILLMAN. Will the Senator yield to me for a moment?

Mr. CLARK of Wyoming. Certainly.

Mr. TILLMAN. Does the report the Senator quotes from indicate how the Government would get the money? What would it sell? Does the report indicate?

Mr. CLARK of Wyoming. The proposition is to come before Congress, I suppose, and have Congress authorize the purchase of the land by the Government. I suppose that is the proposition.

Mr. TILLMAN. The report, as I understood the Senator, said that they can get enough from the land in three years to pay for it. How are they going to get anything? What are they going to sell?

Mr. CLARK of Wyoming. They are going to sell timber.

Mr. TILLMAN. And are they going to sell hunting rights?

Mr. CLARK of Wyoming. I do not know what else; but timber, I suppose.

Mr. TILLMAN. Is there any coal under it?

Mr. CLARK of Wyoming. Further on in the report it indicates where some revenue might be derived:

In this connection it is recommended that the patenting of home lots be provided for in the reserve, so that people from the thickly settled States around about may actually own homes here in the hills, where they can breathe in air that is pure and enjoy mountain scenery which compares favorably with the best in the Appalachians.

Mr. TILLMAN. Is there any coal under the land?

Mr. CLARK of Wyoming. I do not know, but I suppose likely there is. There is coal more or less all through that country.

Mr. President, as I said, I am reading this simply for the purpose of calling attention to the improvident way in which these reserves are created or sought to be created.

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CLARK of Wyoming. Certainly.

Mr. LONG. That is a request simply from the field officer of the Bureau of Forestry. I should like the Senator to state what action was taken by the Department on that request.

Mr. CLARK of Wyoming. I will be glad to give it. This was the report and request of Mr. Cox, who had been sent there as an expert from the Bureau of Forestry. Acting upon this report the Department of Agriculture requested the Secretary of the Interior to withdraw the land from allotment, which was done—4,000,000 acres—coming right bang up against the east side of the Missouri, Kansas and Texas road, running north and south through it.

To show further how improvidently this reserve was created, the attention of the Secretary of the Interior was called to the probable fact that by withdrawing this land and centering it in Government ownership a dormant land grant of alternate sections 10 miles on the east side of the Missouri, Kansas and Texas road would immediately attach. It never had entered into the consideration of either of the Departments to look far enough into the status of that land to ascertain whether or not there was a probability that if the land passed into Government ownership that land grant would revive and attach.

The attention of the Secretary of the Interior was called to the fact, and he afterwards modified his order, throwing out of the withdrawal that portion of the land to which the land grant might have attached, and reducing the area of the reserve to 2,000,000 acres; and there it stands to-day, awaiting action by Congress. The inquiry was made, "If Congress fails to act, what will then be your position? Will you then release the land for allotment?" The Secretary declined to answer the question.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. CLARK of Wyoming. With pleasure.

Mr. FULTON. Does the Senator understand that Congress has already directed the Secretary of the Interior to allot these lands to the Indians?

Mr. CLARK of Wyoming. The law providing for the allotment of the lands in the Cherokee and Chickasaw nations directed that as soon as practicable this land shall be allotted until all the allotments shall have been completed.

Mr. FULTON. Does not the allotment then have to stop in order to have the land withdrawn?

Mr. CLARK of Wyoming. He stopped the allotment. He declined to receive any more allotments, and declined to accept the allotments that had already been made, although so far as the allotments that had already been made were concerned he has since rescinded his order. But no new allotments are allowed there to this day.

Mr. President, under these considerations and under an authority administered in this manner, is it any wonder that the people who are interested, who rest under the weight of it, complain, and, as has been said in the Senate, consume three or four days in useless debate? Mr. President, it is not useless debate, if it calls the attention of the Senate to the fact that people are having their political rights hampered, that the welfare of their States is stopped, and if this bill should become a law it would be everlastingly stopped.

Mr. President, I wish to call attention to another fact, and that is the proposition in the bill that there shall be released from the provisions of the public-land laws in effect a great area, more than twice or three times as much as that already in forest reserves. The proposition is to turn three or four hundred million acres of the grazing lands of this Republic in the arid region into the hands of the Bureau of Forestry or the Department of Agriculture, which, of course, is the same, as far as the purposes of this discussion are concerned, and to give the head of it the absolute control over that great area; that he shall say whose cattle shall pasture upon it; that he shall say whether or not they shall fence the public domain; that he shall say how much shall be charged each man for the privilege of grazing upon the public domain; in other words, that he shall be the complete autocrat of all the grazing grounds in the United States west of the one hundredth meridian.

Mr. President, I leave to the imagination of the Senate what

would be the result of that. A saving clause was sought to be put in by the Senator from Kansas by which the rights of the settlers, if anybody should settle there, might be preserved.

AMENDMENT OF NATIONAL BANKING LAW.

The VICE-PRESIDENT. The Senator from Wyoming will kindly suspend. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Senate resolution 214—

Mr. ALDRICH. Oh, no; House bill 13566 is the unfinished business. It was taken up yesterday by a vote of the Senate, and it was under consideration at the time of adjournment.

The VICE-PRESIDENT. The unfinished business will be stated.

The SECRETARY. A bill (H. R. 13566) to amend sections 6 and 12 of the currency act approved March 14, 1900.

Mr. ALDRICH. I ask that the unfinished business may be informally laid aside.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the unfinished business be informally laid aside. Without objection, it is so ordered.

INTERNATIONAL CONGRESS OF HYGIENE AND DEMOGRAPHY.

Mr. LODGE. If the Senator from Vermont [Mr. PROCTOR] will allow me, I wish to call up a joint resolution which has to go to the House.

Mr. PROCTOR. I yield for that purpose if it will give rise to no debate.

Mr. LODGE. I move that the votes by which the joint resolution (H. J. Res. 246) authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington was ordered to a third reading and passed be reconsidered. I wish to move an amendment.

The motion to reconsider was agreed to.

Mr. LODGE. In line 6 I move to strike out the word "six" and to insert the word "seven," which is to correct a mistake in the date, changing it to 1907; and I also move to add at the end of the joint resolution the words "or 1910."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24815) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908.

The VICE-PRESIDENT. The Senator from Wyoming will proceed.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. CLARK of Wyoming. Yes; with pleasure.

Mr. NEWLANDS. I should like to ask the Senator a question. Assuming that the stock grazers of the West have right of common over the public domain, and assuming that no charge shall be imposed for grazing, is the Senator of the opinion that the Government should exercise no control whatever over it, with a view of preventing overgrazing and the destruction of foliage, and with a view of preventing conflict between rival stock growers, each endeavoring to take possession of the entire range, and consequent bloodshed? If the Senator thinks such a system of control advisable, I should be glad if he would state what he would regard as the wisest system.

Mr. CLARK of Wyoming. Well, Mr. President, the Senator is propounding a question here which the wise men of the West have been thinking and working on for years and years, and they have not yet reached what all of them believe to be a wise solution. I should not attempt on the spur of the moment to answer a question of that sort with any degree of assurance to myself that it was right or with any degree of assurance to anybody else.

Mr. NEWLANDS. I call the Senator's attention to certain resolutions which I saw some days ago, purporting to have been passed by the Stock Grazers' Association of the West, approving of some system of control and of permit. I do not know that they went so far as to approve the system of a charge for grazing.

Mr. CLARK of Wyoming. Mr. President, in view of the last suggestion, I want to say that I do not want my attitude to be misunderstood. I am not representing the views of the stockmen especially, either the cattlemen or the sheepmen. Their interests, of course, should be fully considered. But what I am trying to say is that irrespective of the good that may accrue

to any particular class of people, great injury would be inflicted upon the country by this proposed grazing law. Some of the stockmen are in favor of it, and some of them are against it. For myself I own not, neither am I interested in an acre of this public domain or in a single animal that could be pastured thereupon; but I am interested, and I have a great and abiding interest, in the future welfare and in the settlement and the development of my State.

There are stockmen in the West who, if this bill should become a law, would hail it with gladdest acclaim. Those are the stockmen who for years have monopolized great bodies of our public lands and have them even now under illegal fences. Word has gone forth that no action will be taken against those illegal fences until the 1st of April—that the fences may be allowed to stand until that time. Word comes from the Bureau of Forestry that the fences will not be interfered with until the 4th of March. What does that mean? It means that when the 4th of March comes and this bill shall become a law, the fences shall remain and the great areas inclosed with them withdrawn from public settlement and used for the benefit of the man who has already illegally fenced them, if he cares to make a lease. That is what it means, and it is a warning to the stockmen that if this bill does not become a law they must take down their fences. What sane man with a fence upon the public domain, with a limited consciousness of the righteousness of public duty, would not favor this bill under those circumstances?

I say I am not chiefly concerned about the stockmen. I am intensely concerned about the future of my State. This amendment, if passed, would absolutely prohibit, in my judgment, the further settlement of men upon the public domain.

As I started to say, the Senator from Kansas [Mr. Long] sought to break the effect of the amendment as much as possible when he insisted that some provision should be put in for the settlement of these lands by homesteaders. Of course, the amendment says that homesteaders, notwithstanding the lease, can go upon the land to make homestead entries.

On that particular point I wish to call the attention of the Senate to the proposition as to whether it would not be a very sultry life that a poor homesteader would lead within the inclosure of a great stock company. He would be an unwelcome guest at most. Would he not have a sort of torrid life even with the lessee acting within the legal limits of his right?

Mr. LONG. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Kansas?

Mr. CLARK of Wyoming. I do.

Mr. LONG. I do not understand the position of the Senator in referring to the amendment, which, I understand, is not up for consideration in the Senate. Does the Senator believe that the language is not sufficiently broad to protect the rights of homesteaders or does he take the position that it is impossible by legislation to protect the rights of the homesteaders in such legislation as this?

Mr. CLARK of Wyoming. I think it is impossible that the Government can lease ten or twenty or thirty or forty or fifty or one hundred thousand acres of land to any man to inclose and properly protect a settler within such inclosure. I think it is utterly impossible to say that a settler can maintain himself in opposition to the great landholder under such circumstances. It is a practical impossibility. In this amendment it is indeed provided that he shall have the right, notwithstanding the lease, to graze upon the adjacent land. But to graze what, Mr. President? His work teams and milch cows only—in the language of the amendment, his stock used for domestic purposes.

Mr. LONG. I will say to the Senator from Wyoming that in drawing or in modifying the proviso it was my purpose, so far as legislation could, not to prevent the homesteading of the public lands.

Mr. CLARK of Wyoming. I think the amendment will reach as far as any amendment could on a proposition of this sort, but I believe the practical effect of any leasing proposition such as is proposed, or any other, is to absolutely stop settlement upon the public land by the homesteader or resident. I think, in the very nature of things, it is impossible for a man to make his home under such conditions.

Now, Mr. President, the result of this, if adopted—and I do not believe it will be adopted—will be to put half a continent under the landlordism of a single man.

Mr. SUTHERLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Utah?

Mr. CLARK of Wyoming. With pleasure.

Mr. SUTHERLAND. I thoroughly agree with what the

Senator says on this question. I wish to ask him if he does not think the excluding of the homesteaders would not exclude from the ranges the small cattle owners and the small sheep owners. In other words, would not the result be to put into the hands of great cattle owners a monopoly of the ranges? For example, in my own State there are very large numbers of villages where each inhabitant owns five, ten, or fifteen head of cattle and twenty, twenty-five, or fifty head of sheep. They are in the habit of employing somebody to take charge of their little flocks and take them out upon the public domain and pasture them in that way. It would be impracticable for those people to take leases, and the final result of it would be to create a monopoly in the hands of the big cattle owners and big sheep owners. I ask the Senator if he does not think that would be the result of it?

Mr. CLARK of Wyoming. I think it would. I think it would be the inevitable result of it. I think the inevitable result would be that all grazing privilege would go to the highest bidder in the end.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the junior Senator from Wyoming yield to his colleague?

Mr. CLARK of Wyoming. With pleasure.

Mr. WARREN. Noting the remarks made by the Senator from Utah, I should like to ask my colleague whether if the plan was carried out according to the letter from the President, which states what should be done, and an amendment of that kind is passed, that the apportionment should be entirely within the control of the local authorities, he thinks that would preclude the small cattleman and the small sheepmen in favor of the large ones.

Mr. CLARK of Wyoming. In answer to my colleague, I will simply say that if I have got to take bad medicine I would rather take it at the hands of my friends than at the hands of strangers; and if there is to be any control of these ranges of course to cause the least harm, it should be by the local people. But, Mr. President, in further answer to the question of the Senator from Utah, the inevitable result under this bill would be to make the man with the longest purse the virtual proprietor of the public domain. And why? Because those who have analyzed the bill will have observed that all the receipts from the forests, from the great lumbering operations, from the herding operations, from the 5 cents on sheep and 25 cents on cattle, whatever they are, go not to the miscellaneous items in the Treasury of the United States, but to a special fund in the Treasury of the United States. All the grazing fees from 400,000,000 acres of land under this bill are to be turned into this special forestry fund.

Mr. President, there is a revenue from an empire going into the Treasury of the United States, not subject to the ordinary course of appropriation by legislation of the Congress, but millions and millions of dollars going into this special fund to be checked out upon the personal request of the Secretary of Agriculture and the director of this Bureau. The purpose of the director of this Bureau or the Forester at all times, of course, would be to swell that fund to the greatest possible amount. If he believed that there existed a necessity for further expenditures, he could—

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. CLARK of Wyoming. Certainly. It was the Senator's bill that I was talking about, I think.

Mr. BURKETT. I thought the Senator was away from the grazing amendment; but I am interested in asking the Senator this question, because so many have been hammering at this Forester for the reason that he collects this money and spends it. He has been assaulted here four or five days because he had been collecting money somewhere and spending it. I got the law and looked it up, and I find that that is exactly what the law tells him to do.

Mr. CLARK of Wyoming. That is exactly what we do not want the law any longer to tell him to do.

Mr. BURKETT. Let me ask the Senator if it is not a fact that he and several other Senators now present were here when that law was passed?

Mr. CLARK of Wyoming. I expect likely I was. I have done very many foolish things in public and private life.

Mr. BURKETT. I do not want to have the Senator take it that way, but what I am trying to get at is that it is a matter which can be changed, and I understand it has been changed by the amendment, by which the money must be turned into the Treasury. Why the Forester should be abused for collecting

money and doing exactly what he has been told by legislation to do I can not understand.

Mr. CLARK of Wyoming. It has been far from my intention to abuse the Forester. On the contrary, I have the highest opinion of that gentleman.

If I have talked to any purpose, it has been to point out the danger to certain parts of the country in giving to any man the power that is vested by this bill in the Forester, and to call attention to the disastrous results to the hoped-for growth of the West if this amendment should become a law.

Mr. BURKETT. Does not the Senator think that the unfortunate, or at least to the Senate unsatisfactory, method of handling this fund has been used rather to hammer the whole Forestry Bureau and to create a prejudice against it in the same spirit that will destroy its effectiveness?

Mr. CLARK of Wyoming. I do not think so. I do not think any intelligent public criticism of the administration of any office is detrimental to the welfare of the office or bureau. It has certainly been far from my notion to antagonize the Bureau of Forestry, because, as I said in the beginning, if there are any people on the face of the earth who are interested in the proper administration of that policy, it is the people of the section of the country which I, in part, on this floor represent.

Mr. BURKETT. Just one question and I will not interrupt further. Since the Senator referred to this amendment, which was originally my bill, I will say that of course that was put in because the Senate or the Congress in its wisdom hitherto had provided that system for the forest reserves in question, and hence this bill was drawn to conform with what the action had been heretofore. Since the Congress has changed its plans—and I am in hearty accord with that—of turning the money into the Treasury and taking it out on specifications and appropriations, then the provision ought to be changed.

Mr. CLARK of Wyoming. Mr. President, I have talked very much longer than I intended on this proposition. In fact, I only intended addressing myself to the observation made by the Senator from Wisconsin on Tuesday evening, I think. But I can not refrain from expressing again, Mr. President, the fear which the people of the West, or at least some of them, have of the result of this legislation.

Under the various withdrawals proposed in this bill there will be substantially no lands left in the public domain upon which a man could enter save only the lands which might be entered for precious metals. In my State there have been untold acres withdrawn for forest reserves. There have been many acres withdrawn for oil lands, and there have been, in addition, withdrawn within the last year 16,000,000 acres of coal lands from private entry. As to the wisdom of these Executive actions it is not my purpose here to speak. Of the result I can speak—that there is a wholesale fear abroad through the State that unless some change is made or some halt called development must stop and irreparable injury may be worked.

Mr. President, to show that the matter is of live consideration I have here, and will ask to insert in the RECORD, a joint resolution recently passed by the legislature of my State, which has now adjourned. I ask to have the joint resolution incorporated in the RECORD.

The VICE-PRESIDENT. In the absence of objection, the resolution referred to by the Senator will be inserted in the RECORD.

The resolution referred to is as follows:

House joint resolution in opposition to any proposed change in the Federal land laws or in the administration of said laws, or to any regulations that will operate to the injury of the State of Wyoming, retard its development, hinder its growth, or interfere with the prosperity of its people. February 8, introduced, read first time, ordered printed, and referred to committee No. 14, on lands and irrigation.

Whereas 60 per cent of the lands of Wyoming are unoccupied except for the grazing of live stock; and

Whereas conditions in Wyoming were never more prosperous than at present, and it should be our aim to maintain same; and

Whereas the relations between the various live-stock interests were never more peaceful and satisfactory than now; and under present methods of conducting the live-stock industry, necessitating, as it does, winter feeding, the irrigable lands are being reclaimed and made to produce their full capacity of hay and small grains, thereby offering inducements to settlers and dry farmers and creating a home market for the fruits of their labors which will grow rapidly under a continuation of these conditions, thereby almost doubling the stock-carrying capacity of the arid ranges, and thus increasing to a marked degree the taxable wealth of the State; and

Whereas the influx of home builders, homesteaders, and settlers under our irrigation system was never greater or as steady as at present and the prospect for the future was never brighter in our young Commonwealth; the Government is constructing two great irrigation systems in this State and soon the farmer and home builder will be invited to come in large numbers and settle the lands under these enterprises; and

Whereas experiments in dry farming have proved conclusively that a large percentage of arid lands heretofore regarded as fit only for the limited grazing of live stock can be reclaimed by the dry-farming methods and made to produce bountiful crops of hay and grains common to this climate, and efforts are now being made to settle these

lands by this plan, which has already proved successful: Therefore, be it

Resolved by the house of representatives of the ninth legislature of the State of Wyoming, the senate concurring. That we view with alarm any proposed change that will in any way injure our prosperity, restrict immigration, keep out the home builder, homesteader, and settler, retard the growth of our young State, handicap work upon the great irrigation enterprises of the Government and private capital, restrict or destroy the home market of the small ranchman, dry farmer, and settler, who depends upon the live-stock industry for an outlet for his hay, small grains, and produce, or that will in any way interfere with the present peaceful relations between stockmen; and

Be it further resolved. That copies of these resolutions be forwarded to the President of the United States, Secretary of the Interior, Secretary of Agriculture, and to Members of the Congress of the United States with the request that same be given careful consideration before entering upon any plan having for its object the leasing or control of the range lands of Wyoming.

Mr. CLARK of Wyoming. Mr. President, in the preamble of the resolution the bill under consideration is specifically referred to. As I am informed by a telegram from the governor, the resolution passed the legislature almost unanimously. But I wish to call attention—

Mr. LONG. Mr. President, if I may be permitted to interrupt the Senator, to what bill does the Senator refer—the agricultural appropriation bill—

Mr. CLARK of Wyoming. The Burkett bill.

Mr. LONG. Or the leasing proposition?

Mr. CLARK of Wyoming. The leasing proposition.

Mr. LONG. The leasing proposition of the Senator from Nebraska?

Mr. CLARK of Wyoming. Yes; and now for a moment I want to call the attention of those who have been interested in the great irrigation legislation to the effect that will inevitably follow if any such plan as his shall finally be adopted. I believe that a few years ago was worked out in the two bodies of Congress the greatest piece of constructive legislation since the close of the war, namely, the reclamation act, whereby the power of the Government was placed behind the great irrigation scheme; whereby they devoted to the building of great reservoirs and canals to turn the water out upon the arid land all the proceeds of public-land sales within the borders of the States except 5 per cent, I believe, which goes to the State.

Mr. President, there is in that fund an insufficient amount at the present time to complete the construction of the works already approved. In my judgment, the leasing of the land, the withdrawal of the coal land, the repeal of the timber and stone act, all taken together, will leave not a dollar in that irrigation fund, and the great constructive piece of legislation that is working great and untold benefit to the western country will become a dead letter, as though it had never been placed upon the statute books of the nation. You are diverting the revenue which should go into the irrigation fund to the Forestry Service for the further extension of its already great power. Mr. President, against the legislation proposed in this leasing amendment, against the enormous power over the prosperity and development of my State given to one man by this bill I now and ever shall most solemnly protest.

Mr. SPOONER. Mr. President, I do not wish to take up much time in this discussion. The Senator from Wyoming [Mr. CLARK] has discussed some propositions in connection with the general subject which, with due deference to him, I think are hardly germane to the real subject of the debate, at least so far as I care to pay attention to it. I know little about the withdrawal of lands by the Secretary of the Interior and the recommendation that a forest reserve be established in the Indian Territory.

I want to say this, however, that I do not believe since the foundation of this Government there has been in its service a man of more unimpeachable integrity or higher devotion to the public service than the Secretary of the Interior, Mr. Hitchcock. He may have made mistakes—we all make mistakes—but his purpose to conserve the interests within his charge, in my mind, can never be subject to any just impeachment. I think he has rendered service to the country in a position, which is a very disagreeable one in many ways, which will not be excelled by any successor and which has not been excelled by any predecessor. As to his power to arrest allotments in the Indian Territory, in my opinion, something may be said on both sides; but I do not care to discuss that. I do not intend, either, to discuss the proposition in this bill which has been so elaborately and eloquently and earnestly discussed by the Senator from Wyoming, to cover into the forest reserves 400,000,000 acres—I think the Senator said that was the amount—

Mr. CLARK of Wyoming. It is so estimated by the Bureau.

Mr. SPOONER. Of grazing land. I suppose it is in the power of any one Senator to eliminate that from the bill. I have not studied that subject and I do not intend to spend any time in discussing it.

Mr. President, at one time, in regard to the forest-reserve pol-

icy, I felt very much as some of the Senators from the far Western States seem to feel. I remember once riding through a part of Wyoming on a hunting expedition, and meeting several wagons filled with people, men, women, and children, with a little bunch of stock, who had traveled all the way from Alabama to occupy and make homes in a valley within 5 miles of where I met them, upon land which when they started from Alabama was subject to homestead entry, but which a few days before they reached the point where I met them had ceased to be subject to such entry, because of an Executive proclamation withdrawing the lands from entry for forest-reserve purposes. So it had passed absolutely beyond their reach. It seemed to me a harsh thing in its operation, not only to those people, but it seemed to me a very great detriment to the people of the West to have arable lands withdrawn permanently from entry, from the reach of the home seeker because of Executive proclamations.

I think nearly everyone here has a higher opinion of the general forest-reserve policy than he entertained at that time. I think some of my colleagues here who were violently opposed to the whole policy at that time have come to see that underlying it is great wisdom, large public interest, not only in its relation to the whole country, but especially to the States within the region in which the forest reserves lie. But, Mr. President, it is not true to-day, as it was in those years, that the forest reserve shuts out the settler, debars the home seeker from land fit for agricultural uses, as I understand the law. The law—and Senators will correct me if it has been changed—the act of June 11, 1906, opens the arable and agricultural lands within forest reservations to homestead entry.

Mr. FULTON. Mr. President, will the Senator allow me to interrupt him?

Mr. SPOONER. Am I wrong about that?

Mr. FULTON. No. I want to make a suggestion in connection with that, if the Senator has no objection.

Mr. SPOONER. I have none.

Mr. FULTON. While it is true that lands which are chiefly valuable for agriculture are permitted to be entered under the homestead law within forest reserves, nevertheless I think the Senator will see this: In the first place, one moving with his family in a forest reserve goes where there can be no real community of association, where there are no roads and no way of getting roads, except such as the Government constructs—the county has not the power to build roads in the reserves—where there is no means of having schools and other facilities as they have outside. So it practically bars a man from going in there unless he is willing to dissociate himself entirely from all community life. Further, the Bureau holds—I do not know what the Agricultural Department holds, but I know what the Forester holds—that land is only chiefly valuable for agricultural purposes when it has no timber on it or practically none. If it has timber on it, then it is chiefly valuable for timber. I know they hold that, because I have applied to them for their construction. The Senator does know, and must know, from experience that some of the very best land in the Middle Western States and some in the Eastern States is land that has been cleared of forests. It is so in the West and is so in the East and Middle West.

Mr. SPOONER. The Senator's argument is an argument altogether against forest reserves.

Mr. FULTON. No, Mr. President.

Mr. SPOONER. Pretty much.

Mr. FULTON. If the Senator will allow me, I do not mean that. I am not opposed to forest reserves under proper restrictions. There is a vast amount of timber land that by reason of the topography of the country in which the timber grows is unsuited for farms. That land, I believe, should be put into forest reserves. I think it is a wise policy to do it. But there is a vast portion of land covered with timber that is, nevertheless, chiefly valuable in the long reach of time for agriculture.

Mr. HEYBURN rose.

Mr. SPOONER. Does the Senator want to interrupt me?

Mr. HEYBURN. I should like to make a suggestion to the Senator from Wisconsin with regard to the assertion that the land within a forest reserve is open to settlement under the homestead laws. While nominally it is open to homestead, it is not subject to the homestead law at all. The settler has no right to go upon the land until he has first made an application to the Department, representing that he has found a piece of land that is agricultural in character. It is then examined. If upon the report of the examiner the Secretary shall find that that land is of that character, the settler may go upon it, not as a homesteader, because a homesteader goes upon it without having to pay for it—he earns it by living there—but in this case he does not.

Under the provisions of the law—and I have given them close attention—he must first have it surveyed by metes and bounds, if it has not been surveyed according to the rectangular system of public surveys. He must do that at his own expense. That expense amounts to quite a large sum of money. If a settler were to find a piece of ground agricultural in character in the midst of some of our forest reserves, it would probably cost him from three to five hundred dollars to have it surveyed, because there are great distances intervening and expensive conditions. He must have that surveyed, not as a homesteader procures his land, but surveyed upon the ground, and those notes of survey go to the surveyor-general for the State or Territory in which the land is located, and they must be submitted to the surveyor-general for approval. The settler pays all of those expenses. Then, if the survey is approved, he then lives upon that land under the homestead law, but that is in no sense a homestead. He may live there alone, as has been suggested by the Senator from Oregon [Mr. FULTON], a lifetime or for a generation without ever having a neighbor.

So that these areas are not subject to settlement under the homestead laws at all, but under a special law, which is so burdensome that the ordinary immigrant can not take advantage of it.

Mr. SPOONER. I used the word "homestead" from the law, which reads:

That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding 160 acres in area and not exceeding 1 mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated.

Provided further, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered.

Mr. HEYBURN. Mr. President, that is the correlative of the ordinary provision of the homestead law, that after five years the settler may apply for a patent; but I want to call the Senator's attention to the fact that that law provides that these things may be done subject to the rules and regulations of the Department, and I am speaking with those rules and regulations in my mind. I am reading them into the law. The Senator will find that that law is of no practical value to the immigrant at all. It may be to a class of well-to-do settlers, if they find suitable land and they think they can afford to incur the expense necessary to be incurred in order to avail themselves of it; but to the people who go in the white-covered wagons—and we see trains and trains of them in our country yet, passing through our roads and our cities—to them it has no value whatever. It is a discriminatory law by virtue of its terms.

Mr. SPOONER. A great many people go in white covered wagons and hunt for land who are not paupers by any means.

Mr. HEYBURN. That is true.

Mr. SPOONER. This law can not be very well changed. It was not the intention of this law that lands chiefly valuable for forest purposes should be opened to homestead settlement; it was intended by this law that land not chiefly valuable for forest purposes should be open to homestead settlement.

If the regulations of the Department are unjust, then it is the right of Congress to change them. I am speaking of the policy of the Government. This is a beneficial statute, which ought to be liberally construed to advance the great purposes which led to its enactment, without opening the door to fraud against the policy which led to it.

Mr. HEYBURN. If the Senator will permit me, I will state that it is a beneficial act to the extent that it partially corrects a grave error.

Mr. SPOONER. How would the Senator correct it all?

Mr. HEYBURN. I would allow land fit for home making to be opened for settlement.

Mr. SPOONER. That is to say, wherever there is a tract of land owned by the Government, covered by timber worth

preserving, that should be open to settlement, if after the timber is removed, the land would be capable of agriculture, opened to homesteads? That, Mr. President, is very nearly for all practical purposes hostility to the policy of forest reserves.

Mr. HEYBURN. Mr. President, if the Senator will permit me a further interruption, as was stated by the Senator from Wyoming, one of the difficulties that we have encountered in our effort to seek a proper adjustment of this question is that we are always confronted with the statement that we are hostile to the preservation of the forest. Mr. President, I am not, and I think that is—I do not charge the Senator with being unfair, but I think it is an unfair argument to assume or state that we are antagonistic to a wise system for the preservation of forests merely because we object to the present system.

The law, as Congress originally enacted it, had it been intelligently expressed—which it was not, for it does not mean anything—exempted mineral and agricultural land from its operation. It was the intention then, as the discussion in the record of Congress will show, that forest reserves should be created upon the mountains and at the heads of streams, and out of the way of settlement; but since this Forestry Bureau—and I am not intending to criticize harshly any individual connected with it—but as soon as they found what a grasp of power it gave them, they immediately sought to enlarge that scope of power, and to go down into the valleys, until now they are just as apt to create a forest reserve in a valley as they are on a mountain.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. I do, with the permission of the Senator from Wisconsin.

Mr. SPOONER. Very well.

Mr. PATTERSON. I have prepared an amendment which is apropos of the identical question which the Senator from Idaho and the Senator from Wisconsin are discussing.

Mr. SPOONER. I am not permitted by the rules of the Senate to yield to the Senator to offer his amendment.

Mr. PATTERSON. Try it and see.

Mr. BEVERIDGE. We on this side of the Chamber can not hear what is being said.

Mr. SPOONER. I have stated that I am not permitted by the rules to yield to the Senator from Colorado to offer an amendment. I am, however, permitted to yield to him to state what his amendment is, and I will do so.

Mr. PATTERSON. My amendment is as follows:

Provided, That the Secretary of Agriculture shall cause all lands heretofore set apart as forest reserves to be classified as near as may be into forest lands, agricultural lands, and mineral lands, and that all agricultural and mineral lands that are not also in fact forest lands shall be excluded from forest reserves, and shall be open to settlement and purchase under existing public laws, and hereafter, before a forest reserve shall be made, such classifications of lands shall be made, and only forest lands shall be included within them.

Mr. BEVERIDGE. May I ask the Senator a question for information?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Yes.

Mr. BEVERIDGE. I merely wanted to ask the Senator from Colorado a question for information as to his amendment, if he is going to discuss it. The question is, Would that amendment exclude from a forest reserve a mountain valley or a mountain meadow which was all surrounded by forests?

Mr. PATTERSON. It would take up too much time for me to now answer the Senator's question. I do not wish to intrude upon the time of the Senator from Wisconsin, who has the floor, but I expect, before the debate closes, to discuss the amendment.

Mr. SPOONER. Mr. President, I should regret if the Senator from Idaho feels I have cast upon him by my observations any unjust imputation. What I intended to say was that the argument of the Senator was hostile to the real, substantial policy of forest reservation.

Mr. HEYBURN. Mr. President, will the Senator—

The VICE-PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Idaho?

Mr. HEYBURN. I should be glad if the Senator would yield right there.

Mr. SPOONER. I will.

Mr. HEYBURN. I can not conceive that that is a fair deduction to be drawn from anything that I have said. It is a deduction which might be drawn from what others have said I thought and said that I had said, but not from anything that I have said.

Mr. SPOONER. I am drawing it from what the Senator said.

Mr. HEYBURN. I will state in a word, if the Senator will permit me.

Mr. SPOONER. I know what the Senator said.

Mr. HEYBURN. I am not hostile to the preservation of the forests; I am not hostile to a proper policy for the preservation of forests, but I am hostile to the policy of Congress as it has been interpreted by the executive branch of the Government.

Mr. SPOONER. Mr. President, underlying, I suppose, this forest-reserve policy of Congress was the knowledge of the fact that the timber supply of the United States was rapidly disappearing.

Mr. HEYBURN. Where, may I ask the Senator, was it disappearing?

Mr. SPOONER. It was disappearing all over this country—

Mr. HEYBURN. I know, but where was it going?

Mr. SPOONER. As it will disappear—I will get to that—as it will disappear, Mr. President, with very great rapidity in the far West if there should be enacted into law the proposition of the Senator from Idaho.

Mr. HEYBURN. Now, may I ask the Senator—

Mr. SPOONER. If there is to be thrown open to entry all of the land embraced within the forest reservations which when stripped of timber would be susceptible of cultivation, there would not be very much use of a forest-reserve policy, in my opinion.

Mr. HEYBURN. May I ask the Senator a question?

Mr. SPOONER. Yes.

Mr. HEYBURN. The Senator says the timber would disappear. Where would it go?

Mr. SPOONER. I will tell you where I think it would go. I think it would go just as it went in my State, where homesteaders settled upon land which was covered with magnificent timber, land which when stripped of timber could be utilized for farms, and the timber went into the possession, at pretty low prices, of the great lumbering companies which had the capital and the outfit to cut it and log it and run it down the streams.

Mr. HEYBURN. What did the great lumber companies do with the timber?

Mr. SPOONER. Some great lumber companies sold the timber they bought of the homesteaders and sold the timber they cut off Government land, and I will venture the opinion that enough timber has been cut off Government land within the last hundred years to pay the national debt over and over again, and I will venture another opinion, that by reason of the slothful and neglectful cutting enough timber has been destroyed by fire, generated by the carelessness of those lumbermen, to pay the national debt several times over.

Mr. HEYBURN. But will the Senator permit me to ask a question? What did the lumber companies do with the timber they cut in their mills?

Mr. SPOONER. They sold it.

Mr. HEYBURN. For what purpose? Where is it now?

Mr. SPOONER. What do you buy timber for when you buy it?

Mr. HEYBURN. Where is the timber now?

Mr. SPOONER. What they did do and what they would do would be this: They would buy, as long as it was possible to do it, timber from the homesteader, saving their own for higher prices, awaiting the appreciation in value at a later date and there would not be much timber left in the region. It is nearly all gone in my State. It is nearly all gone in Michigan. It is nearly all gone in most of the Eastern States; and I call my State an Eastern State from the Senator's standpoint.

The Government being the proprietor of this land had a perfect right to adopt a policy that would conserve its timber supply, just as the Government has a right to adopt a policy of conserving the coal supply which underlies the surface of land owned by the Government.

Mr. HEYBURN. I should like to ask the Senator a question here as to the right of dominion. Is it the Senator's belief that the Government alone may regulate the use of its lands within a State?

Mr. SPOONER. It is the Senator's belief that when a Territory containing Government land is admitted into the Union the Government's ownership of that land, its power of disposition, its proprietorship over that land, remain absolutely undiminished and unaffected.

Mr. HEYBURN. And the State has no power to regulate its use?

Mr. SPOONER. The State has no power to tax it—

Mr. HEYBURN. I admit that.

Mr. SPOONER. Because the power to tax involves the power to destroy.

Mr. HEYBURN. How about the right to use it?

Mr. SPOONER. It has no right to use it.

Mr. HEYBURN. Or to regulate its use in any way by its citizens?

Mr. SPOONER. Or to regulate its use by the citizens of the State.

Mr. HEYBURN. Will the Senator allow me to call his attention—

Mr. SPOONER. No; the Senator can do that later. I want to get through.

Mr. HEYBURN. I have a decision of the Supreme Court of the United States on that question.

Mr. SPOONER. What is it?

Mr. HEYBURN. I would call the attention of the Senator to the case of *Bacon v. Walker et al.*, decided February 4, this month, by the United States Supreme Court, in which that very question is settled.

Mr. SPOONER. Let me see the case.

Mr. HEYBURN. I have marked portions of it, but the Senator may not, without close attention, be able to—

Mr. SPOONER. What was the nature of the case?

Mr. HEYBURN. The question was as to the right of the legislature of a State to define the rights to the use of the public domain within the State, and it is decided in that case. The court held that the act of the legislature defining the use of the public lands within the State by the citizens of the State is valid legislation, and that it is competent for the legislature of the State to control the use of the public lands within the State. That is the law.

Mr. SPOONER. School lands or State lands or what lands?

Mr. HEYBURN. Government lands—lands of the Government—of any class.

Mr. SPOONER. Who was the plaintiff in error?

Mr. HEYBURN. The Senator has the decision. The court follow the decision of the supreme court of Idaho. It is what is known as the "2-mile-limit law."

Mr. SPOONER (reading):

We think, therefore, that the statutes of Idaho are not open to the objection that they take the property of plaintiff in error—

Mr. HEYBURN. That is only one point involved in the case.

Mr. SPOONER (reading):

Without due process of law—

Mr. HEYBURN. That is not the point.

Mr. SPOONER (reading):

and pass to the consideration of the charge that they make an unconstitutional discrimination against the sheep industry.

A decision of neither of those questions, I think, would involve the conclusion which the Senator announced.

Mr. HEYBURN. I have tried to direct the Senator's attention to the part of the decision that does cover it.

Mr. SPOONER. I will yield to the Senator to do that.

Mr. HEYBURN. I will do it by and by, unless the Senator wants me to do it now.

Mr. SPOONER. I yield to the Senator to do that.

Mr. HEYBURN. There has been much discussion upon this question this morning—

Mr. SPOONER. I merely yield to the Senator to read from the decision.

Mr. HEYBURN. I am not going to make a speech. I merely wished to direct the attention of Senators who have entered into the discussion of these questions to the decision. After disposing of the legal question arising under the amendment of the Constitution prohibiting the taking of property without just compensation, the court held that the taking of a man's right to participate in the unlimited use of the public domain was not the taking of property in violation of the constitutional amendment. Then comes the question of the right of the public upon the public domain.

Does the herding or grazing of sheep necessarily, and because of its unwarrantable character, work an injury to the public? And, if dangerous in any degree whatever, are the other classes which are omitted and in effect excepted entirely free from such danger, or do such exceptions tend to reduce the general danger?

I am merely leading up to it.

Contemplating the law in the aspect expressed in these questions, counsel are unable to see in it anything but unreasonable and arbitrary discrimination. This view of the power of the State, however, is too narrow. That power is not confined, as we have said, to the suppression of what is offensive, disorderly, or unsanitary. It extends to so dealing with the conditions which exist in the State as to bring out of them the greatest welfare of its people. This is the principle of the cases which we have cited.

But the statutes have justification on the grounds which plaintiff in error urges as determinative, and on those grounds they were sustained by the supreme court of the State. They were deliberate enactments, made necessary by and addressed to the conditions which existed. They first (1875) had application only to three counties, while Idaho was a Territory. They were subsequently extended to two other counties and were made general in 1887. They were continued in force by the State constitution. (*Sweet v. Ballentyne*, supra.) The court said, in the latter case:

This is what the supreme court of Idaho stated, and it is affirmed by the Supreme Court of the United States:

It is a matter of public history in this State that conflicts between sheep owners and cattlemen and settlers were of frequent occurrence, resulting in violent breaches of the peace. It is also a matter of public history of the State that sheep are not only able to hold their own on the public ranges with other live stock, but will in the end drive other stock off the range, and that the herding of sheep upon certain territory is an appropriation of it almost as fully as if it were actually inclosed by fences, and this is especially true with reference to cattle. The legislature did not deem it necessary to forbid the running at large of sheep altogether, recognizing the fact that there are in the State large areas of land uninhabited where sheep can range without interfering with the health or subsistence of settlers or interrupting the public peace. The fact was also recognized by the legislature that, in order to make the settlement of our small isolated valleys possible, it was necessary to provide some protection to the settler against the innumerable bands of sheep grazing in this State.

That is the decision of the supreme court of Idaho. The Supreme Court of the United States says:

And the court pointed out that it was not the purpose or effect of the statutes to make discrimination between sheep owners and owners of other kinds of stock, but to secure equality of enjoyment and use of the public domain to settlers and cattle owners with sheep owners.

Recognizing the right of the State to govern the public domain within its borders and the use to be made of it. I resume reading:

To defeat the beneficent objects of the statutes, it was said, by holding their provisions unconstitutional would make of the lands of the State "one immense sheep pasture." And further: "The owners of sheep do not permit them to roam at will, but they are under the immediate control of herders, who have shepherd dogs with them, and wherever they graze they take full possession of the range as effectually as if the lands were fenced." * * * It is a matter of common observation and experience that sheep eat the herbage closer to the ground than cattle or horses do, and, their hoofs being sharp, they devastate and kill the growing vegetation wherever they graze for any considerable time. In the language of one of the witnesses in this case: "Just as soon as a band of sheep passes over everything disappears the same as if fire passing over it." It is a part of the public history of this State that the industry of raising cattle has been largely destroyed by the encroachments of innumerable bands of sheep. Cattle will not graze, and will not thrive, upon lands where sheep are grazed to any great extent."

That is quoted from the testimony of a witness.

These remarks require no addition. They exhibit the conditions which existed in the State, the cause and purpose of the statutes which are assailed, and vindicate them from the accusation of being an arbitrary and unreasonable discrimination against the sheep industry.

If that is not a recognition of the right of the legislature to control the use of the public domain, it is not anything.

Mr. SPOONER. That was a police regulation of the State of Idaho, operative upon its citizens; and I discover nothing whatever in it—

Mr. HEYBURN. I think the Senator will discover more in it.

Mr. SPOONER. I am perfectly satisfied without reading it that I will not discover anything in it holding that the United States Government as an owner of land in the State of Idaho may not, if it chooses, forbear to sell it, forbear to lease it, or may not, if it chooses, against any power on earth to prevent it, in the State or out, fence it and exclude people and cattle and sheep from it. It is not for one moment to be imputed to the Supreme Court of the United States that they hold that when a Territory is admitted into the Union as a State, in which State the Government of the United States is the owner of a vast tract of land, the Government of the United States has not the same control over that land within certain limitations that it had before the Territory was admitted.

I agree that if the State enacts a game law, that being an exercise of the police power, the Government of the United States may not enact—operative upon its land—a different game law, because that would be two sovereignties possibly coming in conflict over a subject bearing upon the people of the State and within the cognizance and jurisdiction of the State.

But does the Senator from Idaho contend that the Government may not exclude sheep from its lands in Idaho if it chooses?

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. SPOONER. I do.

Mr. HEYBURN. The Supreme Court specifically divides the question between that which comes within the police regulation and that which is considered under the power of the State to regulate the occupation of public lands.

Mr. SPOONER. Does the Senator contend that the Congress of the United States may not exclude by law cattle and sheep from the Government lands in Idaho?

Mr. HEYBURN. Yes; I so contend, because they have a compact with the State of Idaho which makes it unlawful for them to do it.

Mr. SPOONER. What is the compact?

Mr. HEYBURN. The compact that admitted the State of

Idaho upon the same basis as other States were admitted to the Union.

Mr. SPOONER. No State ever was admitted into the Union in which the United States owned lands where the Government of the United States sank as a proprietor below the citizen proprietor to my knowledge.

Mr. HEYBURN. If the Senator will examine the act admitting the State of Idaho and others, he will find that Congress discriminated between the character of public lands that were open to the public and to settlement and lands that were held by the Government for a specific purpose—

Mr. SPOONER. Oh.

Mr. HEYBURN. And it required us under the enabling act to concede to the Government only the absolute jurisdiction over the lands held for governmental purposes.

Mr. SPOONER. If the Government owns a great range in Idaho and the Congress does not act and the cattle and the sheep of Idaho may wander over it, then an act of Idaho binding upon its citizens goes all over the State, of course. But I am talking about the proprietary power.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. SPOONER. I yield to the Senator.

Mr. FULTON. I do not wish to interfere with the Senator's line of thought.

Mr. SPOONER. I desire to get through; that is all.

Mr. FULTON. I desire to ask a question.

Mr. SPOONER. I yield.

Mr. FULTON. Does the Senator contend that if the State of Oregon, we will say, requires lands to be fenced, in order that it shall be unlawful for stock to range upon the lands of another, the General Government may, as regards its lands, say that stock roaming at large may not trespass upon the Government lands or go upon the Government lands to graze, even though the Government lands are not fenced, thereby changing entirely the policy of the State in that regard? In other words, if other proprietors were required to fence, would not the Government be required to fence?

Mr. SPOONER. Or otherwise the cattle could go over the range.

Mr. FULTON. That is all I contend.

Mr. SPOONER. I have not contended otherwise.

Mr. FULTON. I did not understand the Senator did, but I wanted to understand clearly what he did contend.

Mr. SPOONER. I have not contended otherwise. It is on the same principle as the game law, exactly. The game law of a State which regulates hunting in the State and the killing of game applies to those who are permitted to go on the public land to hunt and in the Government forests to hunt. What I am contending for is that the Government owns its lands just as a citizen in the State owns his lands.

Mr. FULTON. I agree with the Senator.

Mr. SPOONER. It may sell that land or it may keep it—

Mr. FULTON. I fully agree with the Senator.

Mr. SPOONER. According to the judgment of Congress as to the public interest.

Mr. HEYBURN. Mr. President—

Mr. SPOONER. I wish the Senator would pardon me. He will have "his day." I do not want to spend the whole day on this question.

Mr. HEYBURN. But when a statement is made, if it is not answered, it passes out of one's mind.

Mr. SPOONER. Let the Senator make a memorandum of it and speak later, if he will.

Mr. HEYBURN. Very well.

Mr. SPOONER. I like to be interrupted; but I have some mercy for the Senate, when I think of it.

The Government may lease its lands or not, as it chooses. The Government may fence its lands if it chooses. The Government, if it chooses to employ men enough, may keep everybody off its lands, if it chooses; and the Government never, in my opinion, yielded the right to prevent it to the State of Idaho or any other State.

Now, all I started out to say was that the policy of the Government has been, so far as the forestry laws are concerned, exercising the option which it possesses to hold its timber lands in order to conserve the timber supply of the States and of the country rather than to open it, except in a qualified way, to homestead settlement. It would be opening it, as I said a few moments ago, to corporations cutting, manufacturing, and selling lumber, enabling them to save their own timber supply and obtain that for present uses from homesteaders. The average homesteader can not carry on to any large extent lumbering operations. They clear a little piece for agricul-

tural purposes, for the erection of a cabin. They fence a little space, but for many, many years they do not go beyond that. It is a work of years, and many years ordinarily, to clear a forest farm, and, as the Senator from Utah [Mr. SMOOT] says to me, half of it is lost.

Mr. President, that is not all. The Congress had another thing in view in establishing the forest reserves, and that is of the utmost consequence to the people of the West, of some consequence to those States whose forests have been denuded or destroyed, and that was to conserve the water supply. That is of peculiar consequence to all the people living in the semiarid region of the country. That plays an important part in carrying to successful consummation the splendid irrigation scheme which is upon the statute book and is now being wrought out. The water supply in the far West and its conservation is of the utmost consequence. Congress had a wise purpose expressed in the act for the establishment of these reserves. The act of June 1, 1897, provides—

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.

Without this forest-reserve policy, leaving the land open to settlement, except upon the mountain tops, where no man could live, it would not be twenty years until the State of Idaho would have supplied the East and the Middle States with her timber, and her own forests would, in the main, be gone.

Mr. HEYBURN. Will the Senator permit me to suggest something?

Mr. SPOONER. Certainly.

Mr. HEYBURN. I looked at the question from that standpoint four years ago and three years ago. It so happened at the last session of Congress that I was ill and unable to be present. I had therefore kept in the law an exception in the interest of Idaho, providing that lumber should not be shipped by the Government out of the State of Idaho, but during my absence last winter that provision was stricken out. I am going to ask that it be inserted this year.

Mr. SPOONER. Why should it not be shipped out of the State of Idaho?

Mr. HEYBURN. Why should the Government ship it out of Idaho if the forests are being conserved for the future uses of the people of Idaho?

Mr. SPOONER. The conservation of the forests requires that some timber shall be cut.

Mr. HEYBURN. But let it be sold in Idaho.

Mr. SPOONER. Dead and down timber must be removed. A hurricane sweeps through the forest. The timber affected should be cut away, and for two reasons. It will otherwise be destroyed by worms, and worse than that, it invites a fire which may devastate the whole region. That is what conservation of the timber supply means. It means to take out those trees which ought to be taken out in the interest of the timber conservation, and it means that all cutting in the forest reserves shall be done in a manner which will not invite fires, and, second, which will not prevent reforestation.

I am not speaking without some personal knowledge of this particular phase of it. I am not speaking of the details. You may have some things to complain of, and no one would be more prompt to aid in correcting them than I. I am speaking—for there has been generalization here without limit on this subject—in support of this great national policy for the benefit of all the people, both as to the conservation of the forests and the conservation of the water supply; and if I am not very, very, very much mistaken no people anywhere have as acute interest in it as the people who occupy these States and those who are yet to occupy these States.

I once spent six weeks in a city in the West, and during all that time I could not see a vast mountain not far away, because it was obscured by the smoke of forest fires which destroyed millions, untold millions, of property and which worked a lasting harm to people who yet are to go into those sections. So it will not do to say the Government has no right to hold its lands, if it chooses, nor will it do to say that the Government is not far-sighted and kindly in the policy which it has adopted to hold its lands and to protect its lands, and so to utilize them as to benefit the people of the localities and benefit the people of the country.

When Senators talk about the Government becoming a lumber merchant, that is incidental. The forests would be swept away by fire, spoliation, and otherwise but for these timber reservations. You would have the same experience we had, and we had forests which, I have been told, could not be exceeded anywhere in beauty—white pine—except in a part of Idaho. I met one man who had years ago ridden through the Bitter Root

Mountains and down along the stream for miles and for days, and he told me that he never had seen such a forest in his life; and he had seen forests. Ten days' fire would have ruined it for miles and miles; and there is no one on earth who hungers more for such trees and who have more money with which to buy them than a great many lumber corporations. It is a legitimate business. I am not reprobating them, but there is no reason, founded in public policy, why the Government of the United States should open to homestead entry every 160-acre tract of timber land which it owns, provided that land when denuded of its trees would be arable. And that doctrine, I repeat, would simply destroy the forests and turn over—not to be too carefully exercised, either, in the public interest as to the manner of cutting and clearing—to corporations and wealthy firms the timber supply of the West.

Thousands of men who have been driven out by the destruction of our forests in Wisconsin have gone to Idaho and to other Western States to purchase timber. They are good men.

Mr. HEYBURN. May I make a suggestion to the Senator from Wisconsin?

Mr. SPOONER. If it pertains to this subject.

Mr. HEYBURN. I should like to suggest that those who got the most of the forests of Wisconsin and realized the benefit of them are now in Idaho. I admit that.

Mr. SPOONER. I do not know anything about that.

Mr. HEYBURN. I do.

Mr. SPOONER. That makes no difference. The lumberman of Wisconsin is, I think, as good as the lumberman from Idaho or anywhere else in the world. There is no distinction to be drawn between people of different States on that basis.

The question is, Shall the Government dispose of these lands, take no care for the future either as to the water supply or the timber supply, or shall it go along in a wise, not extravagant, but liberal prosecution of the work of forest reservations? For myself, I have no doubt about it. I know it has its hardships to the people of Idaho, to the people of Montana, and to the people of other Western States. I know in a way it deters settlement. I know perfectly well the truth of what the Senator from Oregon and the Senator from Idaho say, that a man with a family is loath to settle upon a piece of land to live for years without neighbors, unable to establish schools, and all that.

But, Mr. President, this law, notwithstanding, is a wise and generous law. I have traveled for days in beautiful valleys along the Snake River and other streams in Wyoming, fertile, susceptible of cultivation, which could be entered under this law. The mountains are full of valleys, some of them extensive, others less so, susceptible of cultivation and all open to settlement under existing law.

There has been no conflict, and is none between the Government and the States as to the enforcement of the game laws. I am told that the officials of the Forest-Reserve Service are under instructions to cooperate in the enforcement of the State laws in respect to game, and that they are doing it.

As to coal, we have a bill pending here which without impeding the development from the agricultural standpoint of the State in which there are deposits of coal owned by the Government, the coal can be conserved by disposing of the surface for agricultural purposes and reserving to the Government the coal and under reasonable conditions to permit its being taken out.

There is a wise public policy in that, Mr. President. So taking it by and large I have no doubt that this forest-reserve policy as a policy is of the greatest benefit to the people of this country, and especially to the people of the far West.

Now, take the lumber business. I want to read a few words, better used than I could use them, from a statement which I asked from Mr. Pinchot. The Senator from Colorado spoke of him as a person of miraculous excellence. I am sure he claims no perfection. I am sure he would not ask any man to put him above his fellows. But he is remarkable for his knowledge in a practical and a theoretical way of forestry, of conserving the existing forests and of planting and rearing trees for future forests. He is remarkable for another thing, that being a young man, a man of brains, a man of wealth, a man of education, to whom larger possibilities in politics or business open themselves, he has chosen to devote himself, sacrificially in some respects, to this great work of forest conservation, of perpetuating for the people yet to come, who will inhabit the valleys and the arable lands and the semiarid lands of the West, a water supply without which it is an irreclaimable desert. He does it for the love of it, not for your little pitiful salary. There are not many men within my knowledge who have been willing to do that.

Instead of being criticised he deserves the highest commendation, Mr. President, in my judgment. Of course he may

have made mistakes. This policy began not many years ago. It has made great progress, not simply in the increase in acreage of the forest reserves, but in the system, in the methods adopted, and in the results. It has gone far enough under his supervision to vindicate the policy as one of great public value.

He sent me this statement at my request, and I will read a part of it. It is a statement in which I have the utmost confidence.

In the creation of reserves agricultural land is carefully excluded so far as possible, but since the nature of the country makes it impossible to avoid including occasional small isolated areas, such areas, when shown to be in fact agricultural, are opened to bona fide settlers under the act of June 11, 1906.

All the resources of the reserves—wood, water, and grass—are open to the fullest use and development, the only restriction being that they shall be so used as to be permanently usable.

That is the object and the value of the policy. It looks not simply to to-day, but to long years to come; not simply to the people who are living in the section now, but to the people who are yet to come and who will come.

The mineral laws apply in forest reserves exactly as they do outside, as provided in the act of June 4, 1897.

Timber on the forest reserves which can be cut safely and for which there is actual need is for sale.

It should not be burned, should it? Why should it not be sold and the proceeds used to carry on this work and to support the Bureau instead of a constant appropriation being made from the Treasury?

Applications to purchase are invited. Green timber is for sale except where its removal—

Here is a thought that is worth much, and it is a part of this whole policy—

Green timber is for sale except where its removal makes a second crop doubtful, or reduces the timber supply below the point of safety for local needs, or injures the streams.

Senators who have been accustomed to looking from their homes upon mountains covered with timber think it will last forever. They are mistaken. I know they are mistaken, because I have been mistaken myself in the same way. It needs care and protection. It does not receive it except upon such a plan and system as affords it under the legislation of Congress.

All dead timber is for sale.

So far as the requirements of law for sale after advertisement to the highest bidder will permit sales are made to small men, so as to prevent monopoly by disposing of timber to large corporations. Is this denied?

Timber valued at \$500,945.76 was sold during the last fiscal year. The time allowed for cutting was from one to five years and amount actually received for timber cut and removed amounted to \$242,668.23.

Settlers and residents are given free use of timber in establishing and maintaining their homes.

Is that true? Is that policy worth nothing? Does that deter immigration? It invites it. The man with a prairie farm, with no timber plot upon it, deems himself very unfortunate. It is worth everything to the people who go there to make homes to feel that the timber within their reach shall be perpetuated and still be open to wise use as the years go on.

Settlers and residents are given free use of timber in establishing and maintaining their homes. During the last calendar year 13,575 free-use permits were issued, to the value of \$68,547.41.

I have a list of the States in which these permits were issued.

The grazing industry of the West depends on the forest reserves because the summer range, without which the winter range is useless, lies almost wholly in the mountains. Grazing animals are excluded from cut-over areas to safeguard the reproduction.

The summer range up in the mountains leaves the grass to grow during the summer down in the valley for winter use. It is so with cattle as it is with the elk. During the summer they are up on the mountain ranges. During the winter they are down in the valley regions, and they find food there which they would not find there if there were no mountain ranges.

It would be impossible to exclude all grazing from the western reserves without ruining the live-stock business of the country and raising the price of meat. Under proper regulation the grazing does little or no harm.

He says something further on that subject which I believe is true. Speaking of the old ranges in the Government reserves:

How is the range used when the lands are still unreserved?

It is open to all, without restriction or regulation. As a consequence, there is continual warfare between the big stockmen and the little stockmen, between sheep and cattle men, and the range deteriorates constantly from overgrazing.

I have known instances of that myself, and I suppose the Senator from Wyoming [Mr. WARREN] agrees that that statement is an accurate statement.

Mr. WARREN. It is absolutely correct.

Mr. SPOONER. No mere theory is this. It is the result of observation and study not simply of forests and the conservation of the water supply, but of every detail that bears a legitimate relation to the consummation of this policy.

Take almost any part of the West and ask the old settlers how the grass compares with that of former years. In many localities—

That is, the old ranges.

It is almost totally destroyed.

If a forest reserve is made out of this public land, the range is not locked up. It does not cease to benefit the general welfare. It is grazed by cattle and sheep. It is used by the small man and the big man, but with this important difference: Its use is so regulated that the big man and the small man are both assured of the share which rightfully belongs to them through prior use and settlement, and the grazing is so regulated that the range will support the total number of stock allowed without deterioration. It is kept at its highest productive capacity. It is precisely the same with the range as with the timber. A forest reserve makes sure of a better and wiser use and a permanent prosperity. The stockman wants it.

I ask leave to incorporate this statement in my remarks, Mr. President, and I have nearly finished.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

The forest reserves cover mountainous land in the West more valuable for forestry than for any other purposes. The act of June 4, 1897, specifically provides that no forest reserves shall be established except to improve and protect the forest or to secure favorable conditions of water flow, and to furnish a continuous supply of timber for the use of citizens.

In the creation of reserves agricultural land is carefully excluded so far as possible, but since the nature of the country makes it impossible to avoid including occasional small isolated areas, such areas, when shown to be in fact agricultural, are opened to bona fide settlers under the act of June 11, 1906.

All the resources of the reserves—wood, water, and grass—are open to the fullest use and development, the only restriction being that they shall be so used as to be permanently usable.

The mineral laws apply in forest reserves exactly as they do outside, as provided in the act of June 4, 1897.

Timber on the forest reserves which can be cut safely and for which there is actual need is for sale. Applications to purchase are invited. Green timber is for sale except where its removal makes a second crop doubtful or reduces the timber supply below the point of safety for local needs or injures the streams. All dead timber is for sale.

So far as the requirements of law for sale after advertisement to the highest bidder will permit, sales are made to small men, so as to prevent monopoly by disposing of timber to large corporations.

Timber valued at \$500,945.76 was sold during the last fiscal year. The time allowed for cutting was from one to five years, and amount actually received for timber cut and removed amounted to \$242,668.23.

Settlers and residents are given free use of timber in establishing and maintaining their homes. During the last calendar year 13,575 free-use permits were issued, to the value of \$68,547.41.

Living trees to be cut are carefully selected and marked. Careful and effective provision is made for the reproduction and safety of the forests.

The grazing industry of the West depends on the forest reserves, because the summer range, without which the winter range is useless, lies almost wholly in the mountains. Grazing animals are excluded from cut-over areas to safeguard the reproduction.

It would be impossible to exclude all grazing from the western reserves without ruining the live-stock business of the country and raising the price of meat. Under proper regulation the grazing does little or no harm.

Since the transfer of the Forest Service to the Department of Agriculture two years ago the area of the reserves has increased from 58,000,000 to 127,000,000 acres; the personnel has more than doubled; the use of the reserves by the western people has increased many fold, and yet under the estimates the total cost to the Government of forest work during the coming fiscal year will have increased only from \$800,000 to \$900,000.

During the last fiscal year of the administration of the reserves in the Land Office the total expenses of the Government forest work in the Interior and Agricultural Departments were \$800,000 and the receipts were \$60,000, a net charge of \$407,000. During the first full fiscal year of administration by the Forest Service the expenses were \$1,195,000, the receipts \$767,000—a net cost to the Government of \$430,000.

The policy thus inaugurated, if allowed to continue, would have made the Forest Service self-sustaining in five years from the transfer, or three years more, and while vastly increasing the use of the reserves by the western people and the efficiency of their administration over an area more than double.

Protection against fire is very successful, fires having almost disappeared. The last fiscal year they burned over less than one-tenth of 1 per cent of the total area.

Trespass is practically at an end.

The best supporters of forest reserves are the people who live in them or immediately about their borders. The great associations of stockmen, lumbermen, miners, and others support the policy.

The following instructions from the Secretary of Agriculture to the Forester outline the policy:

"In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

"You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon

the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds. The dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good to the greatest number in the long run."

In a word, the object of the Forest Service, as the President has declared, is to create and maintain prosperous homes and conserve the natural resources upon which those homes depend.

Just what does it mean when unreserved public lands are proclaimed public forest reserves? Let us get down to simple facts and see what kind of a change really takes place.

We have, to start with, throughout the Rocky Mountains and Pacific coast regions vast areas of high and rocky land, sometimes densely, sometimes sparsely timbered, frequently covered with brush, and usually producing good crops of grass and other herbage; vast areas which contain the sources of innumerable streams, the waters of which are used for irrigation, power, and transportation. These lands are worthless for settlement. If unreserved, they will not be taken up for homes or cultivated for the support of families. Their altitude, their generally poor soil, their very nature makes agriculture impossible or unprofitable. That they are in no sense of the word homestead lands has been determined beyond all doubt through careful examinations on the ground by western men familiar with western conditions; by men who know from practical experience what lands can be cultivated and what lands can not be cultivated with success.

What are these vast areas good for?

The production of timber and wood, for one thing. The production of summer range for cattle and sheep for another thing. And last, but not least, they are the all-important conservers of the water supply for the farms and manufactures of the lowlands. They are the great reservoirs upon which the solid prosperity of the valleys depends.

How are these resources used when the lands are still unreserved?

The timber is rapidly taken up by individuals under several of the land laws. From individuals it passes to companies and corporations, by whom the most valuable portion of it is cut and marketed. That which remains is burned up, and nine times out of ten the land becomes a nonproductive waste, utterly valueless to the county, State, and nation. The large timber owner profits, but only by what he makes on the timber cut. The county and State profit, but only temporarily, while taxes come in and before the land becomes a waste. The wage-earner profits, but also only temporarily. When the timber is gone beyond repair his occupation goes with it. The Government receives at the most but \$2.50 an acre for timber which has an actual market value of from \$5 to \$100 an acre or more.

When this unreserved public land is made into a forest reserve the timber is still available. It is not locked up or withdrawn from market. It is not left to rot from age and be wiped out by fire. It is still ready to assist in the general development of the region concerned. Anybody can buy it—a thousand feet or ten million feet. It is there to be used by the settler, or, if the settler does not need it, by the big corporation; neither is excluded. But with this very important difference—the land must be wisely used—so used that it will continue to produce timber, the greatest possible quantity of it, and forever. The timber is so harvested that future crops are assured, just as with cotton, wheat, or corn. The lands are protected against fire, and millions of dollars' worth of timber are saved to the Government each year which on the unreserved public domain goes up in smoke. The timber resources are made permanent. The lands are kept productive, and the country, State, and nation reap the benefit. The prosperity which use brings is lasting prosperity, not a transitory boom. Present greed is forced to yield to the requirements of future development. Moreover, the nation receives a fair price for its own. If private or corporate timber in the same locality sells for \$50 an acre, the United States can sell its own timber for \$50 an acre—for what it is worth. Is there any reason why it should be given away for \$2.50 an acre, as it must be if the land is unreserved?

So far, then, as timber is concerned, throwing the public lands into forest reserves means simply that their timber resources are better and more wisely used, for the general benefit, now and in the long run. That is all. There is no other difference.

How is the range used when the lands are still unreserved?

STOCKMEN.

It is open to all, without restriction or regulation. As a consequence, there is continual warfare between the big stockmen and the little stockmen, between sheep and cattle men, and the range deteriorates constantly from overgrazing. Take almost any part of the West and ask the old settlers how the grass compares with that of former years. In many localities the range is almost totally destroyed.

If a forest reserve is made out of this public land, the range is not locked up. It does not cease to benefit the general welfare. It is grazed by cattle and sheep. It is used by the small man and the big man. But with this important difference—its use is so regulated that the big man and the small man are both assured of the share which rightfully belongs to them through prior use and settlement; and the grazing is so regulated that the range will support the total number of stock allowed without deterioration. It is kept at its highest productive capacity. It is precisely the same with the range as with the timber. A forest reserve makes sure of a better and wiser use and a permanent prosperity. The stockman wants it.

What happens to these vast areas from the standpoint of water supply when they are still a part of the unreserved public domain?

They are left to the ravages of fire, to destructive lumbering, and destructive grazing. Their cover of forest, brush, and grass is slowly, but surely destroyed. They gradually lose their sponge-like properties as great reservoirs for holding and regulating the waterflow. The rains rush quickly down the slopes, causing floods in the wet season and droughts in the dry seasons.

In forest reserves these lands are systematically protected. The most important protection is from fire. There is an organized force on the ground whose business it is to prevent this destruction. It is not a perfect force at present, but it is all the time becoming more efficient. If anyone doubts the effectiveness of this systematic protection, let him compare the chaotic conditions on the unreserved public domain with those on the forest reserve. The results are there to speak for themselves.

Let us look at this whole matter from the standpoint of what it really means. In many of the Western States there are very considerable areas of public lands brought together into forest reserves. Maps which show these areas colored in green seem to conjure up

grave fears in the minds of the opponents of the Government's policy, and these green areas are pointed to as if they were huge tracts surrounded by stone walls dropped upon the mountains as a blanket to all future development. The cry goes up that so and so many million acres have been closed to settlement. The truth is that settlement is impossible from the nature of the case. If there were a chance of settlement, these areas would not be in forest reserves. Nobody wants to make forest reserves out of agricultural lands.

Then the cry is raised that the resources are locked up and that the present and future development of the region is crushed beyond hope. This objection is absolutely without foundation for the simple reason that all the resources on each and every forest reserve are *now being used*.

They are being used by those who have the best right to their use. They are being used for the greatest good of the greatest number in the long run. And their use will continue in just this way.

Forest reserve is an unfortunate term. As a matter of fact, the resources of these mountain areas are not reserved, they are conserved. In other words, they are wisely used. The name misleads.

Mr. SPOONER. It is a question which is the wisest and best, to do away with this policy, except up on the mountains where the land never can be utilized for farming purposes, or keep it for the people's use.

Mr. HEYBURN. What people?

Mr. SPOONER. The people who live out there now and the people who are to live out there after the Senator—which I hope will be a great many years—shall have passed to his last sleep. It is not for to-day, and that is where the mistake is. It is in looking upon Idaho purely from the standpoint of to-day. You can pay too much for the too rapid development of a new State. You can pay too much for rapid increase in population in such States. You can lay now a foundation deep and broad and strong for future wealth for all the people of Idaho and the West generally. I think this policy does it. I think Congress ought not to be penurious in carrying it on. I think this notion that no money shall be expended in a work of this kind without estimates is fatal to the work. It is full of vicissitudes. More men may be required to-morrow by a thousand than are required to-day. It depends upon fire; it depends upon whether a whirlwind shall sweep over the timber, as to what will be required to take it out and preserve it. There are many things, Mr. President.

The Senator from Indiana [Mr. HEMENWAY], I think, was mistaken the other day in the figures upon which he based a part of his argument, and I know he is in favor of this policy of forest reserves. It was stated here, as I understood it, that in 1905 the total appropriation for forestry work was \$375,000.

Mr. HEMENWAY. That is right, Mr. President.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. SPOONER. Of course.

Mr. HEMENWAY. I said that the whole appropriation for forest reserves was \$375,000. My statement was accurate and correct. The statement the Senator holds in his hand is a misleading statement.

Mr. SPOONER. In what respect?

Mr. HEMENWAY. It includes an appropriation for experiments of different kinds and descriptions to be carried on in the Agricultural Department apart, and that is not a part of the appropriation for forest reserves.

Mr. SPOONER. Was it expended for that purpose?

Mr. HEMENWAY. It was not. It was an appropriation under the control of the Secretary of Agriculture when the forest reserves were under the control of the Secretary of the Interior. If the Senator will permit me, I want to say that there is no man in the Senate who favors forest reserves to a greater extent than I do, and I resent the criticism that the Senator who seeks to have some intelligent idea of what the money is being appropriated for in trying to secure that information is opposing forest reserves.

Mr. SPOONER. I have suggested no such thing of the Senator.

Mr. HEMENWAY. The Senator has not suggested it, but it has come from other Senators. I have gone carefully into the estimates for the fiscal year 1908, and I want to speak of the practical side of this question for just a minute.

We are discussing and have been discussing the benefits of forest reserves. The question pending is a question of appropriation. The Secretary of Agriculture sends in an estimate for the service for the fiscal year ending June 30, 1908. In those estimates he says he wants \$131,460 for the Forestry Service. Then for general expenses, Forestry Service, for experiments of different kinds and descriptions, for testing of timber, and things of like character he wants an appropriation of \$770,060, making altogether \$901,520. He states in these estimates in a note that is added that last year—

Salaries of supervisors, forest rangers, technical assistants, forest guards, etc., paid out of the funds derived from the proceeds of sales of timber, etc., of the national forest reserves.

That is \$863,000, which added to the estimates he has made for this year makes a total of \$1,764,000.

Now, I want to appropriate, and I believe the Senate wants to appropriate, a sufficient sum of money to properly administer the forest reserves, but we want to know, and we have a right to know, how the money is to be expended.

The Secretary of Agriculture, since this discussion has come up, sends in a statement to which my attention has been called, saying that in Idaho it will cost one and two-hundredths cents per acre, and so on—so much per acre. That is not the estimate. They need so many rangers; they need so many superintendents; they need so many men to do this, that, and the other service connected with administering the Forest Service. They know this by reason of their experience in past years. Here is the list. It shows 346 assistant foresters, etc., last year. So they know, by reason of the number of men they have employed heretofore, about the number of men who will be required for the service next year. Why can not the Chief Forester or the Secretary of Agriculture say in plain language: "We want about so many men, and we want to pay them about so much money?" Of course, they can not estimate down to a dozen men, but they can give us an idea of what they propose to do with this money. Then, for one, I am willing to appropriate it.

Mr. PERKINS. I will say, Mr. President, that there are about a thousand rangers and supervisors, averaging about a thousand dollars per annum. That alone would require, say, a million dollars for the rangers for the supervision of the forests.

Mr. HEMENWAY. I am willing that there should be an appropriation for that service.

Mr. BEVERIDGE. I have not the slightest doubt that everybody would be satisfied if there could be a large enough lump sum. I think we are practically agreed on that point. It is of tremendous value, after all, to the service that it shall not be impaired, where the danger is so immense, by too close appropriation.

Mr. HEMENWAY. I am willing, so far as I am concerned, to take that as a basis and appropriate, upon the suggestion of the Senator from California, a million dollars for this service, and then add to it the \$770,000 a year for experiments. But I want to know next year what they do with the \$770,000. The matter is very much confused this year.

Mr. BEVERIDGE. If the Senator will permit me a moment to make a suggestion, I think everybody will agree with the Senator that Congress ought to know what has been done with the money; but as to the definite and accurate detailed items and estimates in advance for a service like this, it must be clear that it would be rather difficult to furnish them. For example, great forest fires occur, and the area of these reserves is immense and they require a great deal of expenditure that can not be anticipated.

Mr. HEMENWAY. But the fact that it is a great service, if the Senator will permit me just a minute, is not going to keep me from inquiring as to how the money of the Government is expended. If you will take this little book—

Mr. BEVERIDGE. Nobody wants to do that.

Mr. HEMENWAY. We find that hundreds of men are employed; we find here for the fiscal year ending June 30, 1906, there was expended for traveling expenses alone the magnificent sum of \$119,000, and this year the traveling expenses are running way beyond that. We find men sent out here at a salary of \$1,100 a year, securing as high as \$1,900 and \$2,000 for traveling expenses. That means over \$6 a day that some of them are receiving for traveling expenses. I do not believe that the Congress of the United States ought to put it in the power of any man to employ hundreds of men, to fix their salaries himself, audit traveling expenses himself, and determine all these questions. It is too much power for the Congress of the United States to delegate to any one man in the executive department.

Mr. SPOONER. Mr. President, I have the utmost respect for the ability of the Senator from Indiana, as I have the profoundest confidence in his wisdom and patriotism. No one excels me in that respect. If he thinks I have been criticising him in the sense that he used that word, I beg to assure him that he was mistaken.

Mr. HEMENWAY. I want to assure the Senator that I do not think he has been criticising any of my statements; but other Senators have thrown out the intimation that because of an effort to know what is being done with the appropriation and with the receipts from the sale of timber and the receipts from the sale of grazing lands, in some way this forest-reserve system is being opposed.

We talk about making it self-sustaining. With the millions of dollars' worth of timber that we have growing on the forest reserves the Forester can sell a thousand dollars' worth of it or a million dollars' worth of it, or, under the existing law, he can sell \$20,000,000 worth of it in one year. If the Senator wants to preserve our great forest timber, then he had better suggest an amendment to this bill limiting the amount of timber that may be disposed of in any one year by the Forest Bureau, because under existing law they can absolutely sell \$50,000,000 worth of timber or a hundred million dollars' worth of timber in one year.

It would be like my having an estate of 20,000 acres of land and turning it over to the distinguished Senator from Wisconsin to administer for me, and he would come back and say, "I will make it self-supporting; I am selling enough of your timber each year to pay the expense of running the estate; I am renting out your grazing lands to pay the expense of running the estate." These reserves are the property of the Government, and of course the Department can sell enough of the timber each year to pay the expenses, if they want to. But that is not making it self-sustaining; it is selling the property of the Government to pay running expenses.

Mr. SPOONER. Mr. President, I think the Senator is arguing from a false premise. It is not engaging in the lumber business in a strict sense. The object is not to see how much lumber can be manufactured and sold in a year—

Mr. HEMENWAY. I sincerely hope the Senator is right in his statement.

Mr. SPOONER. The purpose is to conserve the forests—that is the primary purpose—and the water supply. How much timber will be sold next year no man can tell. That depends more or less upon nature; that depends upon the condition in which the forests are left by the wind. The theory of selling timber—they do not cut it en bloc, as I understand, as the lumbermen do—

Mr. HEMENWAY. Mr. President, that is the theory that I believe in. But, if the Senator will permit me, the danger is this: Here is a proposition submitted to the House of Representatives to borrow \$6,000,000 in order to construct roads and bridges. Here is a statement in the letter of the Secretary of Agriculture that roads and bridges ought to be constructed. All I fear is that in the anxiety to carry out these great schemes and to progress more rapidly perhaps than is wise there may be more timber sold than ought to be sold, in order to secure a fund with which to carry out these schemes. But I do not criticize anybody for them. I would not give a snap for a man who is not energetic. A man is not worth anything in a Department unless he is an enthusiastic worker in the Department. We have at the head of this Service a wonderfully enthusiastic and brilliant scholar, and he wants to get \$6,000,000 to expend in roads. Congress ought not to give it to him; and I sincerely hope he will not sell the timber in our great forest reserves with which to do that work of construction. One of the objects of my amendment is to prevent just that thing occurring and to provide that our great forest reserves shall be conducted, as the Senator is now suggesting, by selling just such timber as has reached the point where it ought to be sold.

Let us go along taking care of our forest reserves in every way possible. I am willing and anxious to appropriate out of the Treasury of the United States a sufficient sum of money for that purpose. Here are the estimates; here is what they have asked for. If we give it to them, is not that enough?

Mr. SPOONER. Mr. President, I think the Senator is quite right that an accurate report of all expenditures should be made so that the Congress will know—I do not know that it has not been made—how every dollar of the public money in connection with this service has been expended. No one can object to that. I seriously doubt, however, whether you can, without crippling this service, apply to it the same rules as to estimates which are applied to the departmental work and much of the Government work of a different character, because it may develop in a week from now that conserving or subserving the legitimate, necessary part of this work involves the employment of a thousand men—not to cut timber, but to save timber—and the character of the work itself is such that it seems to me impossible to hold the service down to an estimate such as you would have as to the Departments.

Another thing. I do not think there is any foundation whatever for the suspicion or the fear—I will not call it suspicion—expressed by the Senator from Indiana that the head of this Bureau will forget the science with which he is enamored and become a mere lumber merchant; that he will destroy the timber which ought not to be cut simply for the purpose of getting money, rather than to pursue the system, with an underlying principle which has governed him, to cut what ought

to be cut, promoting the great object in view—the conservation of the forests. Down timber ought to be cut, otherwise it will be destroyed. It will not only be destroyed, but it invites fire, which destroys unlimited quantities of timber. The Senator can not tell how much down timber there will be a month from now in excess of the down timber to-day. That depends upon the storms; that depends upon the winds. All I am endeavoring to impress upon the Senator is that this is a service which of necessity must have flexibility.

Mr. HEMENWAY. Do I understand the Senator to say that we ourselves cut and prepare for market dead and down timber, or that we sell it to some one else?

Mr. SPOONER. We sell it. Every tree has got to be marked.

Mr. HEMENWAY. I know; and all we need is the force that does the marking. I suggest to the Senator that our Chief Forester is a man of extraordinary ability, and should be able to lay out his plans for a year and follow them with a reasonable degree of certainty, and make his estimates just as other officers make their estimates.

Of course there has got to be something of a lump-sum appropriation, such as we have in this bill of half a million dollars, which, while intended for improvements, under the language of the bill, can be expended for administration, protection, or any purpose the Secretary sees fit to expend it for. It is well to have a lump sum for this service somewhere, out of which emergencies can be met, and the Committee on Agriculture put in here an appropriation of \$1,000,000. The House appropriated a half million dollars, and the Senate increased it to a million, and we agreed upon half a million, which will be available for administration, for protection, etc.

Mr. SPOONER. Mr. President, it must be borne in mind constantly—and I must yield the floor—that while there has been an increase in expenses there has been a great increase in the area. The forest reserves have increased in area from 57,000,000 to 128,000,000 acres.

I want the Senator to believe, if I can induce him to do it—and I have no thought about it but the public interest and a little knowledge and much faith—that there is every reason to believe that the prophecy of the Chief Forester that in two or three years this Bureau, going along, conserving the timber supply and the water supply with reasonable appropriations from the Treasury will be self-sustaining. Its past earnings demonstrate that. They must cut for the free use of the settler, and all that. I can not go into detail, and I am not antagonizing the Senator.

Mr. HEMENWAY. I understand.

Mr. SPOONER. But I have a conviction that—

Mr. HEMENWAY. The Senator will admit that this is a magnificent estate. The Government owns millions of acres of timber land, many thousands of acres of fine grazing land, and it does seem to me as though any good business man in this country would take that wonderful estate and administer it in such a way, only selecting the dead-and-down timber and only renting our grazing lands for the purposes—

Mr. SPOONER. And the mature timber should be cut.

Mr. HEMENWAY. It seems to me that any good business man could take that wonderful estate and secure from it an income that would go into the Treasury of the United States and more than pay for its administration.

Mr. SPOONER. But he would need some capital.

Mr. HEMENWAY. I want to say, too, that if I could own such a magnificent estate there would be only the dead-and-down timber sold, and the grazing lands rented, at a fair profit, and I would have a wonderful income over and above the cost of administration, as would the Senator from Wisconsin. There is no reason why the agent of the Government can not take that great estate and manage it, as it should be managed, so as to conserve the forests, increase the growth of timber, and yet have a wonderful income to go into the Treasury of the United States, over and above the cost of administration.

Mr. SPOONER. The Senator from Indiana, if we could possibly spare him, would make a magnificent Chief Forester. He might do it; I could not.

Mr. HEMENWAY. I would, out of the receipts, employ Mr. Pinchot, at \$5,000 a year, and all the good foresters of the country and have an ample sum to pay for their advice and their services, and the Senator from Wisconsin would, too. Think of it! One hundred and twenty-seven million acres of land, with no taxes to be paid, with the dead-and-down timber all over it to sell, fine grazing land—the man who could not take that land and get an income out of it over and above administration expenses ought not to be in the service of the Government.

Mr. SPOONER. Mr. President, that is very easily said; but even the Senator from Indiana, able as he is, could not do what

he says he could do. The Senator from Indiana can not make bricks without straw. Mr. Pinchot is not the owner of the estate. He is the agent of the Government, which is the owner. I only want to say in conclusion—

Mr. HEMENWAY. Mr. Pinchot's status borders very closely on ownership.

Mr. SPOONER. Now—

Mr. HEMENWAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. HEMENWAY. Mr. President, I say the legislation, if the Senator will permit me—

The VICE-PRESIDENT. The Senator from Wisconsin has not yielded.

Mr. SPOONER. I shall soon yield the floor, Mr. President.

I have a conviction that this is one of the best services under the Government; that it is well started on a proper plan; that it is being conducted in a scientific way, and that the Chief Forester ought to have the money which he deems necessary, within fair limits, to enable this plan and this system to be developed and consummated. He can not do it without the money.

The more acres a man has to take care of the more money it requires to enable him to take proper care of them. One hundred and twenty-eight million acres, Mr. President! It is an impossibility for an agent to conserve and protect them without the owner affording him implements with which to work, money with which to hire men, the means with which to meet vicissitudes. It is a work that I for one shall not vote to endanger even. I would make the appropriation, if I had power to do it, just what is asked. I would demand a strict account of expenditures, but I would not stop its development at the present stage of it. I would let it go on for a couple of years, taking the chances, from what has happened, that it will shortly be what the Chief Forester predicts—a service that will take care of itself, without requiring any money raised by taxes among the people at large. That is only my view about it.

Mr. PROCTOR. Mr. President, our action, when this matter was before the Senate day before yesterday, was somewhat hasty—a trifle hasty—and there was only a viva voce vote. In order to bring a definite question before the Senate, I propose, before I leave the floor, to make a motion for action and to ask a vote upon it. I do not propose myself to make any extended remarks. If there are any to be made, they can come with greater force from Senators who are better acquainted with these reserves. I will ask that the letter which I send to the desk, from the Secretary of Agriculture, be read by the Secretary.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 21, 1907.

Hon. REDFIELD PROCTOR,
United States Senate.

MY DEAR SENATOR: The enactment into law of the amendment agreed to would practically cripple the Government forest work. The Forest Service would be left with \$1,500,000 with which to meet a closely estimated and absolutely needed expenditure of \$2,500,000. This \$1,500,000 is made up of \$900,000 proposed to be appropriated and \$600,000, the estimated balance of earnings at the end of the year.

The sum of \$500,000, proposed to be appropriated for working capital, ought not to be included in the appropriation for running expenses. If it should be necessary to use it for current expenses, the loss would be greatest to the poor settlers of the West, who need the roads and trails in the forest reserves which it will provide, but who can not afford to build them for themselves.

To cut almost in half the sum needed for the care and protection of the national forests would strike at every industry in the West. It would endanger the irrigation work of the Government by exposing the forests to fire. Forest fires threaten the mining industry, because it depends on cheap timber. Especially it would threaten the settler and home builder by making it difficult or impossible to see that he gets promptly and easily, and with safety to the forest, the small supplies of timber which the Government gives him without charge, but which are so necessary to him. There is no industry in the West which does not suffer when the forests are destroyed.

Under these circumstances I have had drawn up the inclosed summary of estimates for the Forest Service for the fiscal year 1908. They are based upon detailed records of the actual cost of work done, and they provide only for necessary forest work which the law imposes upon this Department. The inclosed statement shows, per acre by States, the estimated cost for the fiscal year 1908 of the management of the national forest reserves. The differences in cost per acre between individual reserves and consequently for the total reserve area in each State, can not now be estimated closely in advance. New sales of timber, forest fires, and other local developments or emergencies which can not be entirely foreseen so far in advance, may greatly increase the expense for any one reserve or for a group of reserves, and thus for the State in which they lie. I attach this statement merely to show in part the actual detail upon which the total estimate is based.

Under the estimate of cost for general administration I have included not only the administrative work of the Forest Service, but also inspection, and the necessary record and routine work of the Wash-

ington office. You will notice that the total cost of general administration is only 8 per cent of the total cost of the Forest Service. This charge is exceedingly low. We get it by putting the transaction of current business in the hands of the western field officers on the ground instead of conducting it at long range on paper from Washington. To this policy, coupled with the thorough system of inspection enforced by the Forest Service, I believe the vastly increased usefulness of the forest reserves to the western people is directly due.

Study on the ground, for which the third item provides, is needed to handle the practical questions arising in the management of the national forests. A good beginning in this work has been made, but unless it is continued we can not use the forests as we should. The more we know about these forests the better and more fully we can use them. Investigations to find new uses for woods at present valueless or little known yield great returns, as they have done in the case of western hemlock and southern gum.

Through its cooperative studies with private forest owners and users of timber, the Forest Service is getting results which are actually worth many millions of dollars annually in the prevention of forest fires, in the increased yield of timber, in its preservative treatment, and in economy in its use. Through this work and the publication of its results for the benefit of all, the Forest Service is building up an active sentiment for the wise use of the forest among our people. Approximately four-fifths of the forests of the United States are in private hands. It is from them that our timber supply in the future must mainly come.

The estimates inclosed show a cost of 1½ cents per acre for administering the forest reserves. Prussia spends over \$1 per acre, Bavaria about a dollar and a quarter, France about a dollar. We are handling a property worth nearly a billion and a half of dollars for a fraction of 1 per cent of its value, and that property is increasing in value and usefulness at the rate of more than 10 per cent a year.

Very sincerely, yours,

JAMES WILSON, Secretary.

Estimate for the use, maintenance, and protection of the national forest reserves for the fiscal year 1908.

State.	Area of forest reserves.	Cost per acre.	Total cost.
	<i>Acres.</i>	<i>Cents.</i>	
Idaho	19,048,806	1.2	\$228,586
Montana	17,344,883	1.5	260,173
South Dakota	1,283,720	3.2	40,439
Wyoming	8,637,366	1.4	120,923
Oregon	12,500,728	1.6	200,012
Washington	7,785,600	1.5	116,784
California	19,882,487	2.1	416,896
Nevada	766,959	1.8	13,805
Colorado	12,698,825	1.9	241,278
Utah	6,731,306	1.9	127,895
New Mexico	7,024,504	1.8	126,441
Nebraska	556,072	1.1	6,117
Oklahoma	60,800	6.0	3,648
Kansas	97,280	1.1	10,700
Arizona	9,450,825	1.7	160,664
Alaska	4,909,880	4.0	19,639
Minnesota			20,000
Porto Rico	65,950	1.5	1,000
Total	128,825,991	1.6	2,115,000

Mr. PROCTOR. Mr. President, this interest is one of very great importance. I do not believe that any Senator wishes to cripple the appropriation, so that proper care can not be given to these great reserves. They have been increasing rapidly. We have no assurance that there may be other increases. In order to bring before the Senate a question which can be discussed, if necessary—and I will say that I do not propose to discuss it, but will ask for a vote upon it—I move that the vote by which the amendment on page 41, line 13, was adopted be reconsidered for the purpose, after it is reconsidered, of asking for an increased appropriation for the general expenses and care of the forest reserves.

The VICE-PRESIDENT. The Senator from Vermont moves to reconsider the vote by which an amendment, which will be stated, was agreed to.

The SECRETARY. On page 41, line 13, the words "fifty-seven thousand three" were stricken out and the words "fifty-six thousand eight" were inserted; so as to read "\$756,800."

Mr. PATTERSON. I desire to say something both upon the subject of forest reservations and the grazing proposition contained in the bill.

Mr. PROCTOR. I do not understand the Senator.

Mr. PATTERSON. I thought the Senator sent the amendment up to be voted upon; and before the vote is taken I desire to be heard.

Mr. PROCTOR. It is customary, I believe, in a matter of this kind, on a question of reconsideration, to assent to it, and I hope the Senate will agree to it. Then I will move the increase.

Mr. PATTERSON. I make no objection to the reconsideration.

The VICE-PRESIDENT. Without objection, the vote to reconsider is agreed to.

Mr. PROCTOR. I move to insert in line 12, after the word "expenses," the words "one million;" so that it will read "\$1,756,800."

I make this motion because the Secretary shows very clearly

that this amount will be necessary to properly care for the 128,000,000 acres of forest reservations and because I believe that many Senators voted in the haste of a viva voce vote and, considering the matter more fully, think that this addition or some considerable addition should surely be made.

Mr. PATTERSON. Mr. President, I suppose the entire question of forest reserves and the matter of grazing lands will be thrashed out before the grazing proposition is reached. Most of the speeches have been made upon the proposed change affecting the grazing lands of the different States, and I suppose that both propositions may as well be thrashed out now, so that when the grazing proposition is reached the necessity or the provocation for much speaking upon the subject will be avoided.

It was my purpose, Mr. President, and I suppose I will have the right to do it, even though the Senator from Vermont has offered an amendment, to send up two amendments and to have them read, which I propose to ask votes upon.

The VICE-PRESIDENT. The Senator from Colorado proposes two amendments, the first of which will be stated.

The SECRETARY. On page 42, at the end of line 16, after the word "dollars," insert:

Provided, That no charge or license fees shall be imposed for the grazing of live stock within forest reserves.

Mr. HEMENWAY. May I inquire whether the amendment offered by the Senator from Vermont has been agreed to?

The VICE-PRESIDENT. It has not been.

Mr. PATTERSON. It is still pending.

The VICE-PRESIDENT. The second amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 142, line 7, after the word "available," insert:

Provided, That the Secretary of Agriculture shall cause all lands heretofore set apart as forest reserves to be classified, as near as may be, into forest lands, agricultural lands, and mineral lands, and that all agricultural and mineral lands that are not also in fact forest lands shall be excluded from forest reserves, and shall be open to settlement and purchase under existing public laws, and hereafter, before a forest reserve shall be made, such classification of lands shall be made, and only forest lands shall be included within them.

The VICE-PRESIDENT. The amendment will lie on the table. The Chair will state that under—

Mr. PROCTOR. I understand the question before the Senate is upon the amendment which I have offered.

The VICE-PRESIDENT. It is upon the amendment proposed by the Senator from Vermont. The Chair will state that under the strict letter of the unanimous-consent agreement individual amendments are not in order until after the consideration of the committee amendments.

Mr. PATTERSON. I have not formally offered the amendment. I simply asked to have it read, stating that I intended to offer it after the amendment of the Senator from Vermont had been disposed of.

The VICE-PRESIDENT. The amendment will lie on the table.

Mr. PATTERSON. Mr. President, I desire to make clear the attitude of the people of the part of the West that I in part represent upon the question of forest reserves. There is no enmity to forest reserves in Colorado. The people of Colorado recognize if not their present their future advantage to the country—that is, if they shall be efficiently and wisely administered. But we are opposed to the forest reserves as now declared and defined and as they are administered; and I think I am within the truth when I say that 90 per cent of those in Colorado who have been affected by the management of the reserves are dissatisfied with it and make loud and, I think, well-founded complaints.

Mr. President, a forest reserve does not mean a reserve that includes vast areas of agricultural and mineral lands upon which there are no forests nor upon which it is expected that forests will be grown. If the forest lands only were selected, allowing a fair margin for lands that are not forest to accompany them, there would not be so much complaint; but when, under the power given the President to declare and define forest reserves, they are made to include areas of land larger than States in this Union which are not forests and, so far as the knowledge of man goes, never have been forests and will not be forests, shutting them out from occupation and settlement by the growing population of this country, then they enter their solemn and serious protest.

In addition, Mr. President, when the management of these reserves thrusts itself into the every-day life of those who have to do with them, when they hunt out a man who has taken possession of an abandoned cabin while he is prospecting for valuable minerals, and it threatens to eject him and turn the cabin over to somebody else who will pay the small tribute of five or

ten dollars to the Government, when, if a man's cattle shall range on territory over which they have always ranged since white men occupied the territory, the owner is compelled to pay an additional tax upon his cattle or subject himself to heavy fines and to possible imprisonment; when wherever you go through forest reserves or in their vicinity you are beset with so-called "forest rangers," Mr. President, there is too much government, too much paternalism, too much interference with the private affairs of the people in all of that, and it is to such injustices that the protests are entered.

Mr. President, we had no forest-reserve laws in this country until a very, very few years ago. Indiana, Ohio, Illinois, Wisconsin, Michigan, Kansas, Nebraska, and all the other Western States, and nearly all the Middle and Southern States, were thrown open to settlement, were occupied by agriculturalists and stockmen without let or hindrance.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. With pleasure.

Mr. BEVERIDGE. Does the Senator think because at a certain period of history we were without forest reserves therefore we should continue to go without forest reserves?

Mr. PATTERSON. No; I do not. But I do think that after such a State as Indiana, for example, which the Senator in part represents, and such States as Ohio, and Wisconsin, and Michigan, and Kansas, and Nebraska, and other of the great Commonwealths of the country have been populated, and settled, and developed, and civilized, when all of their broad areas have been opened to occupation and settlement by the people without such obstructions as forest reserves; when they undertake to impose a new and a radical and a revolutionary system upon States younger than theirs, they ought to be willing to make it a conservative measure and not demand one that is radical and burdensome.

Mr. BEVERIDGE. Would it interrupt the Senator if I make a suggestion which will occur to him probably, as he comes from one of those States, and we are proud in Indiana that the Senator came from our State. That fact is this: There is no person in any of the States he has named—Indiana, Ohio; and he heard what the Senator from Wisconsin [Mr. SPOONER] said about his own State—who is not sorry that we did not have just such a system of scientific forest preservation where it was needed, instead of having what actually occurred, the ruthless destruction of our woods and the consequent dearth in our streams.

Take the State of Wisconsin, about the destruction of the forests in which the Senator from Wisconsin spoke with so much feeling. I spent a great many weeks in the midst of the heart of what only a few years ago was one of its forest reserves, and that forest had been destroyed by an act of the legislature under the influence, I was informed and believe, of vast lumber interests some years ago. And where those forests, which were preserving the water supply, once stood, showering untold benefits upon the people on both sides of the watershed, is rapidly becoming as denuded as though it had been a sandy plain of rock and desert.

Mr. PATTERSON. Now, Mr. President—

Mr. BEVERIDGE. Does not the Senator think it would have been a good deal better if we had not had the lack of system that we had?

Mr. PATTERSON. I do not object to being interrupted by the Senator from Indiana or by any other Senator for a question or a short statement in order to make his question clear; but if interruptions are to continue, I hope they will not consist of lengthy discussions, even though they contain the valuable information of which the Senator from Indiana is so full.

Mr. BEVERIDGE. Will the Senator permit me a question?

Mr. PATTERSON. Not now, because there is no such thing as continuity of thought under a process of that kind.

Mr. BEVERIDGE. Will the Senator permit a question?

Mr. PATTERSON. Yes; just a question.

Mr. BEVERIDGE. Yes; just a question. I wish to ask the Senator whether he remembers that during the speech of the Senator from Wyoming [Mr. CLARK] the Senator from Colorado interrupted him two or three times, not to ask a question, but to make remarks several times as extended as the remarks I have just made?

Mr. PATTERSON. Yes; but where I have done that thing once, or where any other Senator on this floor has done it once, I think we may safely say that whenever the Senator from Indiana is in his seat he does it a dozen times.

Mr. BEVERIDGE. Mr. President—

Mr. PATTERSON. Mr. President—

Mr. BEVERIDGE. The Senator must permit me to answer that.

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Indiana?

Mr. PATTERSON. The Senator from Indiana says I must—

Mr. BEVERIDGE. And of course the Senator will.

Mr. PATTERSON. I yield.

Mr. BEVERIDGE. The Senator is always engaging, but particularly so when he essays into the realms of imagination. He will find, upon an examination of the Record, that I have used less of the time of the Senate every session since I have had the felicity to be a colleague of the Senator by at least nine-tenths than the Senator himself. [Laughter.] The Senator has taken at least ten times as much time, and of course has given the Senate a hundred times as much information.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PATTERSON. Certainly.

Mr. CLARK of Wyoming. I simply wanted to suggest, in view of what has been said of the interruption of the Senator from Wyoming this morning, that they were very welcome, because the Senator from Wyoming knew the time would be better occupied than when he himself held the floor.

Mr. PATTERSON. When I made the criticism upon the Senator from Indiana, it will be noted that I guarded it carefully.

Mr. BEVERIDGE. I thought it was a compliment.

Mr. PATTERSON. I have the floor, and I must be permitted to complete at least a single sentence without interruption by the Senator from Indiana.

I carefully guarded it, and said that when the Senator was in his seat in the Chamber. Of course when he is out of the Chamber—

Mr. BEVERIDGE rose.

Mr. PATTERSON. There, you see. The Senator can not keep his seat.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. BEVERIDGE. I merely want to say to the Senator that that same criticism can not be made upon the Senator from Colorado, for when he is in the Chamber he is always on his feet. [Laughter.]

Mr. PATTERSON. If I were absolutely sure that the code duello was not in existence in Indiana, I would say concerning this last statement of the Senator from Indiana what the truth is; but if his valor be as great—I was going to say as his loquacity, and I can find no other word now to use—and the code duello were a part of the Hoosier creed, I would not for a moment put myself in the danger that the proper designation of his statement would impend.

Mr. BEVERIDGE. Mr. President—

Mr. PATTERSON. The Senator from Indiana and his action upon the floor in a debate in which he interests himself remind me of a scene I witnessed on the floor of the House of Representatives when I was a Member there, so long ago that the memory of man runneth not to the contrary.

Mr. BEVERIDGE. Very ancient history.

Mr. PATTERSON. The Member from Ohio, Mr. Cox, was making a speech. The present Speaker of the House, Mr. CANNON, then a tyro like I was myself, had been interrupting Mr. Cox, and previously had been interrupting a number of other Members in the speeches they were making. Mr. CANNON found it impossible to speak on any subject without a prodigious arm movement and an aggressive pointing of the index finger that has since helped to make him famous. The Member from Ohio got a little disturbed at the frequent interruptions. When the present Speaker rose again and sought recognition Mr. Cox proposed that if the Member from Illinois would put his hand in his pocket, so that he would not shake his finger at him and the other Members of the House, he would permit him to occupy the floor as long as he did so. [Laughter.] Mr. CANNON agreed to the proposition, and he put his hand in his pocket. He commenced to speak; but he had not spoken three seconds before his hand was out and his finger was pointing at Mr. Cox. [Laughter.] Immediately Mr. Cox called him to order, and Mr. CANNON was compelled to take his seat.

I hope that this little story, which is absolutely true, will find recognition by the Senator from Indiana, so that Senators may occasionally have the benefit of a little noninterference with their arguments.

Mr. BEVERIDGE. The Senator is—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. I must—

Mr. BEVERIDGE. This, I think, is the last time. I am very fond of the Senator and his reminiscences, and he will be courteous enough to permit me also to indulge in a very brief reminiscence concerning something which the Senator himself said a moment ago, to wit, that he would be glad if he could be permitted to finish a sentence.

I remember having heard of a scene, not in the other Chamber, but in this Chamber, where Mr. Evarts, of New York, gave a description of one of his own sentences which I think is applicable to those of the Senator. Mr. Evarts said of his sentences that the trouble was that "they lacked terminal facilities." [Laughter.] So it is hard to let the Senator from Colorado finish a sentence.

Mr. PATTERSON. Whatever may have been the self-admitted faults of the then Senator from New York, if I could only be graced with them, however he or others might have regarded them, I would be proud of my accomplishments and the people of Colorado would be proud of one of their Senators.

Mr. BEVERIDGE. There was no criticism in that. It was merely pointing out to the Senator that it was hard—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. BEVERIDGE. That it was hard to let him get through a sentence. Now I will not interrupt the Senator any more.

Mr. PATTERSON. Mr. President, there are some things which are almost incredible, but I believe, under the circumstances, the Senator will do his best to live up to his pledge. [Laughter.]

Mr. President, I want to make plain to the Senate, if I can, the real attitude of the people of Colorado with reference to this grazing proposition and the forest reserves. As I said, we believe in forest reserves, but those who are thrusting them upon us are the representatives of States that have grown into mighty empires, that are studded from north to south and from east to west with great cities and towns and villages and farms and shops. If our mountain States were like unto them, we would not complain. But, like the Senators from States whose limit has perhaps been reached, at least whose prosperity and population have been insured, we might, if we were not too broad for such littleness, attempt to foist an unwelcome and distasteful system upon weaker States.

When I lived in Indiana I recall that the people were engaged in clearing the forests, and they were clearing the forests to make homes, to build upon the lands their houses and barns, and that they might replace the timber with fields of corn and grain and orchards. I put it to the Senators from those States, if some inspired genius had arisen in the early days of their States' history and suggested that the destruction of the forests was a crime, that populating the country was a mistake, that a third of the area of Indiana or Michigan or Ohio should remain untouched and unpopulated in order that forests might grow and wild animals roam in their wilds, and the Government put his vagaries into effect, I have no question but that there would have been trouble in those States, troubles that would have resulted in bloodshed.

Mr. President, let us have forest reserves; let the reserves be guarded, let them be patrolled, let regulations be made to prevent fires occurring and for their extinction; even take steps to preserve the game; but I protest, in common with the people of the State I in part represent, that under the so-called "forest reserve" we do not want more than a fifth of our State taken from the people and turned into a mere game preserve.

I refer to the table that accompanied the letter from the Secretary of Agriculture which was sent to the clerks' desk by the Senator from Vermont [Mr. PROCTOR] to show what this means to some of the States. In Idaho there are 19,000,000 acres taken from settlement and cultivation; in Montana there are 17,000,000 acres and more set apart for silence, to be deprived of population; in Oregon, 12,500,000 acres; in California, 19,000,000 acres; in Colorado there are 12,000,000 acres; and so on down the list of States, until we find that 128,825,921 acres have been, by the edict of a single man, separated from the rest of the country and practically, though not theoretically, shut up so that the settler may not enter it and its wealth may not be developed, and that it may be turned over to game and live stock.

Nearly every Senator who has experience with these reserves has borne the same testimony. It is that while the right of entering lands within the forest reserves as homesteads is given, it is practically a right without power to take advantage of it, for when the home seeker finds that those lands are occu-

pled to their full capacity with the cattle and horses and sheep of those who pay the Government for the right of grazing and that the stock owners thus occupying the lands frown upon those who enter them to divide them into farms and to make permanent homes upon them, not alone because they interfere with the ranges and the fences that inclose their homesteads and may shut out the water front from their cattle, the settler is timid about occupying them and his fears tell him he had better not.

The ordinary homestead seeker is a man of peace. He comes from the East and the West, the North and the South, and he soon learns by an experience which can not be ignored that while under the letter of the law he may enter within the boundaries of a forest reserve and take up a homestead, he is not a welcome visitor and that he will suffer annoyances which are calculated to make life on the reserve uncomfortable.

From this fact alone it is the experience of all the States having these forest reserves that homestead settlements within the reserves have practically ceased; not because good lands are not there, not because the law is not upon the statute books, but because the homesteader in going there enters a hostile atmosphere. Their home is not one of pleasure and comfort. Those who should be their neighbors and friends meet them with a frown. So, preferring not to have neighbors of that kind, they seek their homesteads elsewhere.

With the letter of the law permitting it there are no homesteads taken up within these forest reserves; or, if there are, there are only enough to be an exception to the general rule; there are not enough to form settlements such as we find outside of the reserves.

Therefore, Mr. President, we believe that the first thing which should be done with the forest reserves already made is to have them classified with some degree of care, although it need not be with mathematical accuracy. Let the Agricultural Department, through its proper officials, determine what are agricultural, what mineral, and what are timber lands within the reserves, and then let it segregate from the forest reserves the agricultural lands and the mineral lands; and let the timber lands and the mountain summits that are above the timber line be set apart and regarded as forest reserves; and let the money of the Government be expended in protecting and improving them.

If that should be done, Mr. President, there would be no word of complaint from the Senators representing the States in which these forest reserves have been created. But when we find that this system arrests our States in the race they are making with their sister States for wealth and supremacy, that it sets apart large areas of their agricultural and mineral lands, excluding them from agricultural settlement and turning them over to the wild game and the tame cattle to roam in, we protest, and we will continue to protest as long as such a system exists in our country.

There has been a glamour and romance attempted to be thrown over this whole forest-reserve business. The man at the head, and who perhaps did more than anybody else to produce it, is raised to the attitude of a great benefactor to the human race. I have listened to the eulogies passed upon Mr. Pinchot until I really commenced to feel that Senators were putting a new Richmond in the field, and that perhaps when the national Republican convention met the cry would be "Pinchot and forest reserves" instead of "Roosevelt and the curbing of the trusts."

Mr. Pinchot is a very good man—not much better, however, than a good many others. He is a man who rides a hobby—a hobby that if ridden with judgment might accomplish some good, but I am satisfied Mr. Pinchot is riding his hobby to a fall.

WHY SHOULD STOCKMEN PAY TRIBUTE?

Mr. President, why should the owners of stock be compelled to pay tribute to this new-fangled method of dealing with the public lands? The early settlers in Ohio, Indiana, Illinois, Nebraska, and Kansas had free range for their cattle, their horses, and their sheep. Probably a number of those who are recognized millionaires to-day got their start in life with the free range they got in those States. But after they have used the range, after their States are settled, after their resources are developed, after there has been a free opening to all the world to enter the entire area of their States to take up and occupy every square mile within them, they start a movement, and boost it—that is, I will not say intended to cripple the mountain States; but that does in fact seriously cripple them and shuts them out of the race of prosperity upon equal terms with the other States.

Mr. President, as to these forest reserves, first, they should be

limited. Agricultural and mineral land should be excluded from them. If the system is worth anything, it is worth starting it upon a proper basis, so that it will not be used for eliminating other lands than timber lands from the domain that belongs to the people.

And if it is properly administered, if the area is confined, the cost of administration will be much less than it is now. If it costs \$2,000,000 or \$3,000,000 per annum to administer the forest reserves as they are, and if through the agency of Congress a fourth of their area shall be taken from them and thrown open to settlement and cultivation, the cost of the management of the forests will be cut down in proportion as they are diminished in size.

Mr. President, if these reserves are curtailed there will be no necessity to levy a tax upon stockmen to make this new department self-supporting. The sale of timber—not dead timber, old timber (dead timber has little or no market value) but commercial timber that may be cut from the reserves each year—will within a short time not only furnish all the money necessary to run the forestry department, but will place a handsome surplus in the Treasury.

I know, Mr. President, it is plausible to maintain that these are the lands of the Government and, because they are, the Government should charge for their use. But so were all the lands of the country that heretofore have been settled and occupied. When you speak of the lands of the Government you mean the lands of the people, the lands of all the people. They are lands that heretofore have been opened to the citizens of every State in the mountain region and everywhere else; they have been grazed upon from the Atlantic to the Pacific, but now suddenly they can not be used by stock growers unless they pay a stipulated tax for every head to the Government. And what power has this forestry board to levy taxes? There is not a word in the statute that authorizes such official usurpation. As I suggested in my remarks the other day, the Constitution confers upon Congress, and Congress alone, the power to levy and collect taxes; and I take it unless authority is found in some act of Congress delegating to some other body the right to levy and collect taxes the authority does not exist.

We find that stockmen are now forced to pay a stipulated annual tax upon every head of their live stock within a forest reserve without any statutory authority to require them to do so. The Secretary of Agriculture compels stockmen to pay licenses for the use of the land for grazing purposes. When there is no authority found for acts of that kind, I can safely ask the Senate, What right has been conferred or what authority can be found to justify this imposition of license fees?

As a matter of course this proposition to lease the grazing lands is a necessary part of the forest-reserve system. They are twins in everything but the day of their birth. The wonder is that they were not born at the same time. The grazing proposition has, I suppose, the same inspiration as have the forest reserves. It is the same desire for money getting, or, if not that, of intermeddling, of making the Government felt, of showing the authority and the power of the Government through some ambitious official who has led to this new movement.

I desire at this time to have some dispatches, resolutions, and letters read that bear not upon the matter of forest reserves, but upon the proposed new system of leasing the grazing lands. Here is a dispatch that was sent by the governor to my colleague [Mr. TELLER], and my colleague sent it to me to have it read to the Senate. I ask that the Secretary may read it.

The VICE-PRESIDENT. The Secretary will read it, in the absence of objection.

The Secretary read as follows:

DENVER, COLO., February 18, 1907.

Hon. HENRY M. TELLER,
United States Senate, Washington, D. C.

Have sent following message to Vice-President FAIRBANKS: "The honorable senate and house of representatives of the State of Colorado join me in most respectfully requesting the honorable Senate and House of Representatives of the United States to postpone until the next session of Congress all consideration of measures which would interfere with our citizens acquiring title to public lands under the homestead law. Postponement of action until the next session of Congress will give the people of the Western States opportunity to be heard. Large districts which would now be classed as grazing lands will become agricultural lands in the near future under the application of scientific methods of farming."

HENRY A. BUCHTEL,
Governor of Colorado.

Mr. PATTERSON. Here is a dispatch from the president of the Denver Chamber of Commerce on the subject, which I ask be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

HON. THOMAS M. PATTERSON,
Washington, D. C.:

You are urgently requested to use your best efforts to prevent the passage of the so-called land-lease bill at this session of Congress.
THE DENVER CHAMBER OF COMMERCE,
MEYER FRIEDMAN, President.

Mr. PATTERSON. The Senator from Nevada [Mr. NEWLANDS] spoke of the action of a convention of cattlemen out his way; stating that they favor this new leasing system. That convention sent several representatives to Washington. Whether they were invited to come I do not know; but those who came professed to represent a national convention of all classes of cattlemen, and doubtless had much to do with stiffening the backbone of the President in pushing the change now that we have reason to believe he did not think about until very lately. The writer of this dispatch is one of the first men of the State, and is as well acquainted with cattle interests and the desires of cattlemen as any man who lives in the great West. I ask that the dispatch be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

DENVER, COLO., February 13-14, 1907.

HON. T. M. PATTERSON,
United States Senate, Washington, D. C.:

The men who appeared before the Senate Committee on Agriculture not authorized to represent stockmen of this State and do not represent their sentiments.

E. M. AMMONS.

Mr. WARREN. The dispatches which the Senator from Colorado is presenting are from gentlemen of high standing who are entitled to great consideration. Of course the dispatch just read comes from an individual who claims that a certain committee did not have authority. The committee appeared here with proper credentials from known associations.

At this point, if the Senator will pardon me just a moment, I wish to say that the President in moving in this matter did so upon the request of live-stock men and others. The idea of renting the grazing land did not originate with the President nor with the Forestry Department, but is the result of various prayers, letters, dispatches, etc., that have come from time to time to the President and the Departments the past three or four years.

The committee which the President appointed was appointed in obedience to a demand made upon him by the duly accredited associations of live-stock men, sheep, horse, and cattle men, at their association meetings, and they appointed committees to meet with the committee appointed by the President to consider the question. I will not say more now, although later I will pursue this thread a little further.

Mr. PATTERSON. Mr. President, everybody who has any knowledge of this leasing controversy knows that it did not originate with the President, and I do not question his motives. I have no doubt but that he is impressed with the belief that a movement of this kind is a wise one. But, Mr. President, this is a question that has been before the people of the West now for more than twenty years, and there has been an irrepressible conflict between what may be called the great cattlemen and great cattle companies of the West and those who own live stock in smaller numbers.

I have endeavored to represent the views of the people of my State upon this question intelligently and faithfully. It is a matter that has been discussed in every county and town of Colorado, and I can truthfully say that almost without an exception those who favor the leasing of the grazing lands, and have been urging it for twenty years, have done so against the most urgent protest and the strongest opposition that the mass of the stockmen of the State could make manifest.

Here, Mr. President, is a dispatch from the secretary of the Colorado Cattle and Horse Growers' Association, an association that, it is understood, represents the live-stock interests of the State. I ask that it may be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DENVER, COLO., February 13-14, 1907.

HON. T. M. PATTERSON,
United States Senate, Washington, D. C.:

Local organizations of cattlemen and farmers all over State greatly excited over amendment to agricultural bill reported in press to-day. Regarded as most dangerous to prosperity of State. Am asked to urge you and Colorado delegation in Congress to fight it. Nine-tenths of people of State opposed to any amendment to land laws at this time.

FRED P. JOHNSON.

Secretary Colorado Cattle and Horse Growers' Association.

Mr. PATTERSON. Mr. President, I have here a dispatch from the officers of a mass meeting held at the very center of the

cattle-grazing districts of Colorado that are within the reserves, at the town of Rifle, on the line of the Denver and Rio Grande Railroad. I ask that it may be read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

RIFLE, COLO., February 11, 1907.

HON. T. M. PATTERSON, Washington, D. C.:

Mass meeting over 500 stockmen, farmers, and citizens western slope adopted strong resolutions of protest against proposed amendment agricultural bill of placing grazing public lands in control of Secretary. All forest-reserve users sign agreement refusing to pay fees for grazing. You are asked to oppose any amendment to land laws at this time. White River stockmen at Meeker also held meeting and join our request. Resolution coming by mail.

FRANK D. SQUIER, President.
M. E. MORROW, Secretary.

Mr. PATTERSON. Mr. President, I have here resolutions adopted by the Cattle and Horse Protective Association of several districts in Colorado—district 9 and portions of districts 7, 8, and 10—on the subject of Government control of the public grazing lands. These resolutions favor the leasing system, but I also ask to have that read.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

Whereas President Roosevelt has declared his intentions of having all fences removed that inclose Government land by April 1, unless such fencing can become legalized; and

Whereas in many sections of the country it is impracticable for the small settler and cattleman to run cattle successfully without inclosing a certain amount of land to preserve the grass for winter use; and

Whereas the present indiscriminate method of using the public range is detrimental to the country at large and destructive almost to annihilation of the grasses and very unsatisfactory to the occupants of the public lands:

Be it resolved, That this association is in favor of Government control of the ranges and public grazing lands under a system of individual control where practicable; where not, by the permit system, the same to be administered by the Department of Agriculture, and regulated by rules best adapted to the various localities along the lines as outlined in Bulletin No. 62—"Grazing on the Public Domain."

Be it further resolved, That our honorable members in the Senate and House of Representatives at Washington be earnestly petitioned to actively support any legislation having above desired results, and that we are in favor of such legislation being enacted without further delay.

JOHN E. PAINTER, President.
L. K. WATKINS, Secretary.
C. L. WAITE,
T. L. MONSON,
JOHN E. PAINTER.

Land Committee.

Mr. PATTERSON. I presented that, Mr. President, because it is the only one—

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. PATTERSON. With pleasure.

Mr. BURKETT. I wish to ask the Senator from Colorado now, inasmuch as this resolution instructs him to vote for the proposition and the other resolution instructs him to vote against it, if he noticed the tenor of it?

Mr. PATTERSON. I presented that because I have presented everything that came to me in connection with my duty as a Senator from Colorado. I want to say that that is the only letter or resolution or suggestion of any kind that has reached me that is not condemnatory of the entire proposition. I desire to have read a letter received from Mr. Ammons, which gives a very intelligent view of the question and cogent reasons why this system should not be tolerated.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

LITTLETON, COLO., February 11, 1907.

HON. T. M. PATTERSON, Washington, D. C.:

DEAR SIR: I see by the papers that the Administration is trying to force through the Government control of the public ranges as a rider on the agricultural appropriation bill. If this scheme succeeds it will put half of this State under Federal jurisdiction, the Government will go into the permanent land business, lands will be classified and reclassified as being fit only for pasturage, and new settlements will be prohibited. If not interfered with most of the public lands of this State will be speedily settled up, go into private ownership, be improved, and contribute their share toward the maintenance of our State and local institutions. The bills before Congress are being pushed in the name of the small stockman and ranchman, but they are being pushed by the big stockmen, not only without the consent, but even without the knowledge of most of the little fellows. If this new policy succeeds it will, in my judgment, greatly hinder the further development of the State, and that, too, at a time when there is a very great demand for land by actual home seekers. The selfish wishes of a few great cattle companies ought not to stop nor hinder the further settlement of the public lands. We have not reached the limit of our development. I can not believe that Colorado will welcome two systems of government, whereby one half of the State only will be governed by its people, while the other half will be under the absolute rule of some bureau in Washington. And it is not only that Uncle Sam is to become a permanent landlord, but he claims to be on

a more favored plane than are other landowners in this State. For instance, he says he does not have to fence his land against trespass of live stock as others must do, but insists on fining and sending to jail citizens of this State whose live stock wander upon his unfenced land. No matter how much rental he may collect, he pays no taxes for the maintenance of our State and local governments. There is no reason for the passage of this measure except special privileges for a favored few against the welfare of the many.

I assure you that the business men and the small stockmen and ranchmen and the home seeker are against this scheme, and those who have heard of it are alarmed because the power of the administration seems to be behind it. I sincerely hope that our western Members will be able to at least postpone this matter until the people and communities most affected can be heard. Surely the attempt to change the entire policy of the Government in this hurried and unusual way can not be claimed to be in keeping with the much-vaunted "square deal," of which we have heard so much.

Isn't it possible to get concerted action by our western delegations?

Yours, very truly,

E. M. AMMONS.

Mr. PATTERSON. Mr. President, there is one other communication I desire read. It is a series of resolutions by the Colorado State Commercial Association.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

Resolutions of the Colorado State Commercial Association.

Whereas measures are now being considered in the Congress of the United States and by the Departments of the Interior and of Agriculture looking to the segregation of the unclaimed public domain in the State of Colorado under systems either of range leases by the acre or by assignment of range and head tax on stock grazed; and

Whereas the essential point in the establishment of any such system is the classification of the lands to be leased or apportioned as grazing lands or as agricultural lands; and

Whereas the developments of the last few years have placed in the class of agricultural lands large areas which have been considered hitherto as valuable only as grazing lands, and it is now impossible to determine with any degree of accuracy whether any of the land in the plains region of Colorado can or can not be made regularly productive as agricultural land; and

Whereas the withdrawal from unrestricted and undelayed homestead entry through classification as grazing land of any considerable area which may be shown to be agricultural land would be greatly and permanently detrimental to the progress and interests of the State of Colorado; be it

Resolved by the Colorado State Commercial Association. That any steps toward the segregation or classification of the plains region of Colorado which would prevent or delay the occupancy and settlement of any lands by bona fide settlers during the present period of experiment in so-called dry farming would be of great injury to Colorado.

Resolved. That the State authorities and our Representatives in Congress are urged to make representations to the Federal authorities looking to the delay of action until this State shall have had further opportunity to work out its destinies.

Resolved. That copies of these resolutions be forwarded to the President of the United States, the governor of Colorado, our Senators and Congressmen at large in Washington.

Unanimously adopted February 13, 1907.

Mr. PATTERSON. Mr. President, I have here, of like import, resolutions adopted by the Grand River Stock Growers' Association, strongly opposing this proposed change in our land laws; resolutions adopted at a public meeting of citizens of Rio Blanco County, Colo., to the same effect, and an additional set of resolutions adopted by the Grand River Stock Growers' Association, all of which I ask to have printed in the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission to do so is granted.

[The documents mentioned are printed at the end of Mr. PATTERSON's speech as an appendix.]

Mr. PATTERSON. I have in my hand, Mr. President, a private letter to me touching upon other subjects in addition to that of the land laws. I have erased the portions that do not refer to this subject in hand, and also the name of the writer, as it is a private letter. I ask also to have it printed as a part of my remarks.

The VICE-PRESIDENT. Without objection, the permission requested by the Senator from Colorado is granted.

[The letter referred to is printed in the Appendix.]

Mr. PATTERSON. Mr. President, I desire now to call the Senate's attention to a revolution in agriculture that is going on in the so-called "arid States." Until within five or six years ago it was believed that little or no land west of the one hundredth meridian of longitude could be made to grow crops without irrigation. But a man with greater knowledge of agricultural possibilities of the arid region than is possessed by most commenced experimenting a few years ago with these arid lands, with the result that he has made it clear that millions of acres of lands in the dry region, hitherto considered arid, may be farmed at great profit without the artificial use of water at all. In section after section of the plains where the water fall does not amount to more than 9, 10, or 11 inches per annum they are raising by intense cultivation crops of wheat and beets and of domestic vegetables and oats that almost rival the crops that are raised on irrigated lands. The process is known as the Campbell system of dry farming. In brief,

the method is that of plowing deeply in the fall, harrowing the land plowed until it is practically pulverized, so that none of the winter's rain or snows as they melt will run off, but will all be received into the bosom of the earth and there retained to nourish the growing crops. Then comes the plowing and re-harrowing immediately before the crops are planted, and, where the nature of the crops will permit, to continue harrowing to keep the clods broken and pulverized until the crops have been gathered. Under this process it has been demonstrated that lands in the arid regions will produce the character of crops that I have mentioned. With what result, Mr. President?

There was in Denver a little over a month ago a great convention of what is known as "dry farmers." The men who have taken up lands out on the plains and cultivate them for crops without irrigation met in convention to relate experiences, give and receive suggestions, and to bear testimony not only to the great possibilities of agriculture without water in the arid region, but to the certainty of great and profitable crops.

Mr. President, I was present at a great fair in the State of the Senator from Wyoming [Mr. WARREN] two or three years ago, and I saw there some wonderful exhibits of grain, vegetables, and other ranch products that were raised by this new system of cultivation.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. PATTERSON. Certainly.

Mr. BURKETT. Does not the Senator admit, however, that all this dry-land farming has developed in the last three or four years, since they have been having more rain out there than they had in the years previous?

Mr. PATTERSON. By what authority does the Senator from Nebraska claim that we have been having much more rain out there than we had previously?

Mr. BURKETT. I have been living out there; that is my authority. I simply know we have had a flood pretty nearly all over Nebraska and in as much of Colorado as I know anything about every year for about four years, and where we have been irrigating the crops have been drowned in some places. This dry-land farming has developed within these four years almost entirely, and I think it was discovered down in my State.

Mr. PATTERSON. No, Mr. President, it was developed much longer than three or four years ago; but it has been brought to general public knowledge within the past five or six years. Journals are published now at different points in the West to advance the interests of this dry-land farming system; schools have been organized that are sending out instructors to the several parts of the arid region to teach the kind of cultivation that is necessary without irrigation to grow bountiful crops.

Mr. BURKETT. Does not the Senator—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. PATTERSON. Yes, sir.

Mr. BURKETT. Does the Senator not think, however, that the bringing in of macaroni wheat and alfalfa, and, perhaps, one or two other crops that can be raised in dry weather sections has pushed agriculture a great deal farther west than any development of the dry-land farming?

Mr. PATTERSON. Oh, Mr. President, the Senator, I am inclined to think, is getting beyond his depth. I do not know of the raising of alfalfa without irrigation, nor of the character of wheat that he describes as macaroni wheat. I have heard nothing of the wheat he mentions being raised, except by the usual methods of the country, and I have no knowledge of the growth of alfalfa except through irrigation.

But, Mr. President, I know that I am safe in claiming that there are several thousand acres of land under cultivation in my State, in the arid part of it, that are producing splendid crops of wheat, potatoes, melons, some corn, oats, and many kinds of vegetables without irrigation and with no more than the average rainfall of that section. It is the result of what we call "intense cultivation"—the conservation of every drop of water that falls, its absorption into the cultivated soil, its retention there during the winter until its fructifying influences are needed to push forward the crops.

As to that, there is a plow used, I am told, which, while it turns up the soil, rolls or presses the land at the bottom of the furrow. The business at the land offices in Colorado within the past four or five years has increased four and five fold. Land seekers and home seekers are pouring into the State as they have not come into it for a good many years. The fame of the system and its possibilities have spread abroad, and sturdy farmers are flocking to the State to make homes upon

this new body of land which has been opened up to agriculture under this system.

Mr. President, it is not a case of delusion growing out of a few exceptionally wet years, for we have had these crops in dry years and in wet years, and we of Colorado are looking forward to a vast increase of our farming population under this new dry-farming method. We know as we know that we are in existence that if these lands are taken up and leased to the great stock raisers under ten-year leases, or for any other considerable length of time, the advance of the State in agriculture will be nearly ended, except as the area of cultivated lands may be increased through irrigation, and the possibilities in that direction are limited. Therefore our people protest as a body against this proposed leasing of the public lands. We want them kept open for years to come. We want this new system developed. We want its possibilities understood. We want it improved. Instead of the lands of our plains being roamed over only by live stock and occupied by the jack rabbit, the coyote, and the lizard, we want them populated by tens of thousands of men and women—good, patriotic, and prosperous American citizens.

I have suggested that there is an irrepressible conflict between the cattle growers themselves upon this subject in my State. Wherever you find a person who counts his cattle by the thousands and tens of thousands, there you find a man who wants a large area of the public domain fenced and over which he will be the absolute lord. He desires to have his fences continued, and if he has no fences up, he wants to put them up. He wants water fronts. It is almost incredible, when you consider the very few streams and the little water that is carried in them, how it will be possible to subdivide the public lands and fence them so as to give access to any considerable number of cattle to water. And there will be excluded from the range every head of stock which can not readily reach water. It is not every acre that can be grazed. If lands are shut off from water, if they are so far removed that the cattle or horses or sheep can not comfortably reach water, then the lands removed from water are utterly worthless.

Mr. BURKETT. Does the Senator from Colorado pretend to say that there is any water front in his State which is not privately owned right now?

Mr. PATTERSON. The Senator from Nebraska asks me to answer yes or no a question which it would be utterly impossible for either the Senator or for me to have accurate knowledge of.

Mr. BURKETT. No; I would not want to put the Senator in the attitude of answering a question that he did not know about, and I would not want to ask a question I did not think I knew something about, as it affected my State. I have been investigating this matter, so far as my own State is concerned, and I thought probably the Senator had with reference to his State. The fact is, that every single foot of land in our State that is on the water front has been taken up, and if there is one thing that makes this bill of more benefit than another it is this. As the Senator said, back, away from the water front is the land that belongs to the United States. It is absolutely useless without some way of getting to the water. If you do not put some kind of control over that public land, the great cattlemen who own the water front are the only men who can use the public domain. If you put a man in control of the Government domain, he can go to the men owning the water front and say, "You can not use a portion of the public domain without you give us permission to send the other people down to the water front," and that is one of the good objects to be accomplished by this bill.

If the Senator's State is not that way, it is certainly a surprise, because there have been enough people go into his State to take up all the water front, and the Senator knows that the very first acre that is taken up is always the water front. It always has been. That was true when they settled Iowa and Illinois and eastern Nebraska, or any other State. They always get along the water front, along the streams. That is the very first acre taken up, and every such acre is taken in Nebraska right now and is in private hands.

Mr. PATTERSON. What may be effected under the squeezing process suggested by the Senator from Nebraska I do not know. It is not suggested in the bill that the authority to be given to the Secretary of Agriculture under its terms is to be used as an instrument of compulsion to coerce the landowner whose holdings are on the water front to open them up so that cattle grazing on lands beyond them may have access to the water. That is a new development, and I thank the Senator from Nebraska for making known the purpose. The officers of the Government are expected to go to those who hold title to

land along the water fronts and say to them: "Unless you allow the Government to use your land for the benefit of some one else we will arbitrarily deprive you of the use of any lands except those you happen to own." That may be a splendid way for private individuals to deal, but I take it it does not comport with the dignity nor the duties of a great nation.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. BURKETT. I do not want to bother the Senator if he does not care to yield.

Mr. PATTERSON. Go ahead.

Mr. BURKETT. I want the Senator to feel perfectly free about it.

The plan under this amendment, as it is very largely carried out in the leasing of land in forest reserves, is not so much per acre as per head, although it is a question which is the better method in each instance. There is not going to be any force or any undue or improper method used, as the Senator, in going to extremes, intimates. But if there is a great tract of land in private hands upon the water front and they turn on this great tract of land so many head of cattle, the Government simply takes a strip of country 40 or 50 miles square and, after investigation, says it will feed and take care of so many head of cattle. It lets Mr. Man, who owns the land privately, turn on so many head. It also allows on the same domain so many head belonging to some one else, and they all share in that water front. It is a sort of give-and-take process, but it enables the Government to permit others who have not a water front to pass through that same land and to have the same access to the water front. In short, it is a method of working out one of the most difficult problems for getting water for all the land there is in the West.

Mr. PATTERSON. There is a scheme, then, in the mind of the Department which is not hinted at in this bill. I have no doubt the Senator from Nebraska speaks by authority, but here is a bill which provides for leasing to individuals or to companies areas of land, as it may be agreed upon, for ten years or less. No suggestion is made of any doubling up by owners in the use of the leased lands. There is no suggestion that if a man owns within an inclosure forty or fifty thousand acres along the water front the Government officer is to go to him and say—I care not how mild his tone—"You must allow cattle within your inclosure, or to reach water through your inclosure, and if you do not, you will be treated as an enemy by the Agricultural Department and will receive no favors from the Government."

Mr. BURKETT. Does the Senator think it wrong, if a man owns forty or fifty thousand acres and controls the entire water front, for the Government to deal with him in order to secure from him for the benefit of the cattle that pasture on the hills behind and away from the water front the right to come down to the water? Is there anything wrong about it?

Mr. PATTERSON. I think when a function of that kind is undertaken by the Government it is not only wrong, but an outrage. Whenever by law you give to a Government officer the right to go to a landowner and say to him, in whatever tone he may use, "Unless you will agree to the terms of the Government in the use of your land you will not be in favor with the Government and you will be deprived of privileges that will be granted to others," it is an act of tyranny, liable to be abused at any moment, and it is an authority that does not comport with the duties of the servants of a free people. I care not how you sugar coat a proposition of that kind, it is in direct conflict with every theory and practice of a free government and has no association and should have no association with a government of the people and for the people.

Mr. BURKETT. The Senator may not agree with it, but nevertheless it has been very painfully proven to a whole lot of people that the Government just now is doing that exact thing with a great number of people who have tried to corral about half or two-thirds of the universe. I do not care whether it is the men who are trying to gobble up the coal lands of the country, or whether it is a lot of other financial interests that have gobbled up the financial and commercial affairs of the country, or whether it is the great cattle kings who have gone west and through one method and another gobbled up all of the water fronts of the western country, the Administration at present is trying to do in all these particulars what the Senator says it ought not to do, and that is to break up every trust and every combination and every sort of oppression by these gigantic concerns and organizations from one end of the country to the other.

I said this, and I do not want the Senator to misinterpret my

statement. I do not speak "with authority" or "by the card." I have not talked with any of the gentlemen of the Bureau since we have had the matter up. I do not know what the plan is. I simply said that this bill will provide a means, when somebody is put in control of the grazing lands, to break up these great cattle combinations that to-day have absolute control of all that grazing country by having control of the water fronts of the grazing country. That is why I think that this Congress and this Government ought to put somebody somewhere, either in this Department or in some other Department, in control of this land out there to look after it, so that all mankind, the little man and the big man and all kinds of men out there, may have the same opportunity and chance at the grazing privileges of the country.

Mr. PATTERSON. The Senator from Nebraska is quite unintentionally libeling the Government.

Mr. BURKETT. I do not want to do that.

Mr. PATTERSON. And quite unintentionally libeling those who are attempting to carry out the aims of the Administration. What the Administration is doing with the great trusts is to bring the law of the country to bear upon them. What it is doing it is doing through district attorneys and through juries and through courts. What it is doing it is attempting to do through Congress in a perfectly lawful manner, and not with a strong arm, not with force or threats or lawless power, but through legal avenues and those alone; and when the Senator from Nebraska undertakes to place the acts of the Administration upon the low level of that which consists of giving authority to a minor or other public official to coerce the man with his fee-simple title to his farm as complete as the Senator may have to the house in which he lives, to use his land as the official will demand, or, if he does not, punish him with the disfavor of the Government, you are demeaning the Government beyond measure.

Of course what is done in the kitchen of the Administration I can have no knowledge of. What plans may be arrived at in private consultations between members of Congress and members of the Cabinet I can have no knowledge of; but I do insist that if it is the purpose under this bill to permit officials to go over the country and use threats upon those who hold land to coerce them to permit the use of their land in such manner as the governing power may demand, it is a gross abuse of the powers and authority of government and should be frowned upon, no matter what good results may be expected to flow from it.

But, Mr. President, it is a fact, to which every owner of cattle will bear witness, that live stock will only go a certain distance for water. When they are back from water so far that they can not with comfort and without distress travel to and from the watering place each day, then the cattle business upon that part of the public domain is a money-losing proposition, and it is soon abandoned; and any system that contemplates the fencing of the public domain, I care not whether under private or public ownership, any system which changes the present methods of caring for cattle on the public lands must work incalculable injury to the industry, because in a very short time you will have the land along streams fenced in so far back that cattle behind the fenced areas can not travel the distance to water and return to the grazing ground each day, and cattle must do that if the business is to be conducted at all. Where on the public grazing lands the cattle may roam untrammelled by fences, they find the water holes and the little running streams which it would be impossible for them to use if this proposed system shall be put in force.

So for the benefit of stockmen—I do not mean the great stockmen alone, I do not mean the citizens of Nebraska, the Senator's constituents, who with strong hand have fenced in millions of acres of Government lands and have been in constant conflict with the General Government over them—but I mean for the benefit of ranchmen, small stock growers and great ones I urge the abandonment of this entire leasing scheme and to let the good old system continue. It has its defects and there are troubles at times connected with it, but after all it is the best way that has yet been devised.

Mr. BURKETT. I suggest to the Senator that most of those people with whom the Government has had trouble have been residents of the Senator's State or of one or another State adjoining.

Mr. PATTERSON. I do not blame the Senator from Nebraska for making an effort to get rid of the disgrace of citizenship such as that, but I do protest against his foisting them upon Colorado. We have had enough trouble with lawbreakers and lawlessness, and we do not want to have shouldered upon us the lawbreakers, especially the lawbreaking cattle barons of the State the Senator represents.

Mr. President, I have occupied more time than I should have and in a very unsatisfactory manner to myself, but I hope I have not spent the time in vain. I do not believe there is the possibility of a favorable vote upon what is proposed. This discussion has, I think, opened the eyes of the Senate as to the injustice it will work, and knowledge of the evils it will inflict is certain to result in its defeat.

APPENDIX.

Whereas an amendment has been prepared to the agricultural appropriation bill now pending in Congress providing for leasing of the public lands for grazing purposes, or to put in effect upon said public lands the same permit system now in effect upon the forest reserves; and

Whereas at the present time settlers are pouring into this State and by the application of scientific methods are redeeming and cultivating lands that a few years ago were considered valueless; and

Whereas while this evolution is going on any change in the laws affecting the administration of these public lands is likely to prove disastrous and a hindrance to development; and

Whereas we believe that it is to the best interests of this State to have the said public lands pass into the hands of settlers at the earliest possible time, and any change in the land laws that would hinder the taking up of said lands by private owners would be a serious menace to the prosperity of the State: Therefore, be it

Resolved by the Grand River Stock Growers' Association, stockmen, farmers, and citizens of the western slope in mass meeting assembled at Rifle, Colo., this 11th day of February, A. D. 1907, That we earnestly protest against any amendment to the laws at this time, and we urge our Senators and Representatives in Congress to oppose the passage of the said amendment to the agricultural bill; and in doing so we assert that we represent the sentiment of a great majority of the stockmen, farmers, and citizens of the western slope of Colorado.

Resolved, That while the present evolution in the development of our State is in progress we are opposed to any change in the land laws until the proposed changes have been carefully considered by the people of the State and have been approved by at least a majority of the citizens.

F. D. SQUIER, President.
M. E. MORROW, Secretary.

Resolutions concerning certain pending legislation adopted at a public meeting of citizens of Rio Blanco County, Colo., held February 11, 1907.

Whereas there are now pending in Congress certain proposed changes in the land laws of the United States which we deem unwise and unjust; and

Whereas certain Executive and bureaucratic orders and rulings have lately been promulgated in relation to the use, occupancy, and acquisition of public lands which are oppressive, unfair, and contrary to the letter and spirit of the land laws now in force; and

Whereas a public meeting of the citizens of Rio Blanco County, Colo., has been called to consider the matters above stated and to protest against said unjust and oppressive laws, orders, and rulings: Now, therefore, be it

Resolved by the farmers, stockmen, business men, and citizens generally of Rio Blanco County, Colo., in public assemblage, That the farmers, small stockmen, and all residents and citizens in the county of Rio Blanco, in the State of Colorado, are unanimously and strenuously opposed to any change in the existing land laws tending toward further Government control, centralization, and paternalism, and as ground for their said opposition we assert that any contemplated change in the existing laws will totally destroy the growth and development of the West; for it is apparent now that the late unfair and ill-advised rulings in relation to our public lands have done incalculable damage to our Western States and have driven thousands of home seekers from our country to Canada; and be it

Further resolved, That experience teaches that the most potent agency in the marvelous growth and development of our arid States and Territories has been the liberal land laws administered in a spirit of generous liberality, and we firmly believe it to be ill-advised to abolish that which time shows to be beneficial and to substitute in its place untried, visionary, and unjust laws and regulations such as are now advocated by the Administration at Washington; and be it

Further resolved, That we are unalterably opposed to the proposed leasing of coal lands, for the reason that such a practice would result in the coal lands ultimately coming into the sole control of large corporations, who would reap all the benefits from such lands and at the same time would escape from any proper or adequate contribution to local governments by the payment of a just proportion of local taxes, although their wealth would be drawn from lands situate under the jurisdiction and protection of local communities; and be it

Further resolved, That for similar reasons we are utterly opposed to the leasing of oil lands, and in addition to such reasons would call attention to the fact that the marketing of the products of oil lands is practically in the hands of one corporation in the United States; hence, by well-known methods of modern finance, poor men would be unable to obtain any benefit from an oil lease and would be compelled to dispose of any lease they might obtain to such corporation on any terms it saw fit, and thus ordinary citizens would cease to prospect for oil, and in a very short time a worse monopoly of the oil trade than now existing would spring up—a monopoly fostered and strengthened by the very laws designed to curtail and prevent it; and be it

Further resolved, That we oppose any system of leasing or governmental supervision of grazing lands on the public domain; while the proposed laws to that end theoretically preserve the right of all citizens to "homestead" such lands, it is apparent on its face that no man would homestead land where the surrounding public land was closed to his use, and the result of any such scheme must inevitably be the landlord system of Europe, and would be a denial of all the principles of individual independence which has been our boast as a nation for one hundred and forty years; and be it

Further resolved, That we demand the withdrawal of the late Executive order which brands every honest home seeker of the West as a land thief by imputing perjury to the sworn statements of all settlers and their witnesses, and we declare that the order forbidding any patent to issue until the provisions of said order are complied with is illegal, without warrant of law, and an insult to the western people. Statistics show that less than 1 per cent of all entries have any taint of fraud connected with them, and it is an unwarranted imputation

on the honesty of American citizens to brand all settlers as perjurers and land thieves; and be it

Further resolved, That we believe firmly and unalterably that each and every one of the proposed changes in the present land system, while ostensibly framed to be in the interests of the poor man, would inevitably result in giving the use and control of all unoccupied lands, whether mineral, agricultural, or grazing, into the hands of corporations and the wealthy, to the absolute exclusion of the poor man; and be it

Further resolved, That we earnestly protest against the attempt to attach the proposed laws in reference to leasing as a rider to any appropriation bill, for the reason that the proposed revision of the land laws is of too important a nature and requires so much careful thought and consideration that no hasty or immature changes should be tolerated; and it is self-evident that no proper debate or consideration of the proposed changes can or will be had if the law be enacted in the method contemplated.

In conclusion, and as illustrative of the effect of recent orders upon western communities, we give the following statement as to actual conditions in our own county at the present time:

Rio Blanco County contains 107 townships.

Withdrawn from settlement for White River Forest Reserve, 26 townships.

Withdrawn on account of coal, 53 townships.

Withdrawn under reclamation act (exclusive of above coal land, part of the coal land having been included in this withdrawal), about 2 townships.

There remains, therefore, about 26 townships, mostly farming and oil lands, open to settlement and mining claims, from which it can readily be seen how the Administration has closed the door to progress in Rio Blanco County; be it

Further resolved, That copies of these resolutions be transmitted to all our Congressmen and Senators, to the Public Lands Committees of both Houses of Congress, to our State senator and representative, and to the Denver News, Republican, and Post, with the request that each do all in his or their power to defeat any and all of the proposed measures above referred to.

THOS. KILBUFF,

Chairman of the Meeting and

Chairman of the Board of County Commissioners.

T. B. SCOTT,

Secretary, and County Clerk and Recorder.

Whereas, after a year's experience with the permit system on the forest reserves of the western slope of Colorado, the cattle owners and farmers who have been paying fees for grazing their stock upon said reserves have been unable to find that they have received any benefit in return for the money they have paid the Government; and

Whereas said reserves are unfenced and cattle drift upon the reserves whether they have paid fees or not; and

Whereas the payment of fees for grazing upon the reserves is in effect an additional tax upon our industry without any adequate return therefor, and we deny the right of the Government to exact a fee under the present law: Therefore, be it

Resolved by the Grand River Stock Growers' Association, delegates from the Roaring Fork and Eagle River Stock Growers' Association, and other stockmen and farmers in mass meeting assembled at Rifle, Colo., this 11th day of February, A. D. 1907, That until the United States Forest Service shall fence the reserves or until the Federal courts shall render a decision to the effect that we have no recourse but to pay said fees we shall decline to take out any permits or to pay any fees for our stock upon said reserves.

Resolved, That the Colorado Cattle and Horse Growers' Association be asked to at once take steps to have our rights protected in regard to grazing upon said reserves in the Federal courts.

Dated at Rifle, Colo., this 11th day of February, 1907.

F. D. SQUIER, President.

M. E. MORROW, Secretary.

DENVER, COLO., February 7, 1907.

Hon. T. M. PATTERSON,
United States Senate, Washington.

MY DEAR SIR: I see by the papers that the President is making a determined effort to have some legislation pass this session to modify the public-land laws. At the convention of the State Cattle Growers' Association last month an effort was made to have this movement indorsed by the stockmen, but the whole matter was finally laid on the table, with no action being taken. Since the convention there is a steadily increasing sentiment against having anything done at this time. The great fear of our people is that something will be done to suspend the operation of the homestead act. With the development now going on in Colorado, any plan looking toward the cultivation of the public lands as "agricultural" or "grazing" would have the effect, we believe, of putting an absolute period to the development now under way. Five years ago it was the general opinion that practically all lands in this State that could legitimately be taken up for homestead purposes had been disposed of, but with the application of scientific methods to these semiarid lands such a change has taken place that it is impossible at this time for anyone to say that any of these lands are not capable of being cultivated. There is also a very strong feeling against permitting the Government to step in and actually administer the public lands of the State so as to produce a revenue therefrom, as it is believed that this would result in one-half of the State being under the State Government and paying all the taxes, with the other one-half under the administration of the National Government and paying no taxes. Such a condition would have a very serious effect upon development. The administration of the various reserves in the State has been an object lesson that has not encouraged our people to favor any further extension of Government control. I find a very strong sentiment in favor of having the public lands conceded to the States if possible. I do not know that such a result could be obtained, but it would solve very many of the questions that the West has been struggling with in relation to these lands.

I write this letter to you for your personal information, and not in an official way. It may be reported to you that the stockmen in Colorado are in favor of the legislation proposed by the President, but the truth is that very few of the people know anything about it, and of those who do know I think the great majority are absolutely opposed to any change at this time. The action of the President in insisting upon special agents investigating each homestead before patent is

issued has resulted in tying up our land offices in a hard knot. There would be no objection to this if there were sufficient agents to attend to this business, but as it is it simply means more delay and red tape.

Mr. WARREN. Mr. President, I am a member of the Committee on Agriculture and Forestry, and I am very desirous of seeing the finish of the appropriation bill that has been before us for some days. I notice a disposition to jump forward from the place in the bill which is properly under consideration and to take up matters and subjects not yet reached and to proceed to the discussion of them.

Regarding the grazing-control proposition I have been informed that there will be a point of order made against that amendment. In fact, I have been quite numerously advised of it and that several Senators will make the suggestion. I had therefore made up my mind to say nothing about the matter, hoping that thereby we might in the last hours of the session pass from the consideration of this bill to other pressing business.

I merely wish to say a few words now to cover some of the mistaken ground or erroneous ideas that have been expressed, and I shall occupy only a few moments. I will admit that the amendment is open to the raising of a point of order, and I would not be fair if I did not admit that there can scarcely be any doubt as to how the President of the Senate will rule upon such point of order. The committee knew that when they placed this amendment in the bill. They placed it there so that it might be considered and, if there was unanimity of opinion, that it might be indorsed, and if not it could pass out and come up again later for consideration in a future Congress.

We hardly need to apologize after having swallowed a year ago here in the Senate, in the agricultural bill, a matter of many pages of legislation embodying inspection of meat products that was not objected to by a single person, for at least bringing this grazing amendment before the Senate. And having brought it out, if a point of order is made against it I have no disposition to contest the point of order or to continue this debate.

I recall that some years ago I came into this body imbued with the idea that the nation ought to do something about irrigation. Having been made chairman of the Committee on Irrigation and Reclamation of Arid Lands, I prepared a bill, made a speech, and was at the next election promptly retired from the Senate on that bill and that speech. I have never felt called upon to apologize to myself or to my near friends for so early espousing the cause of national aid for irrigation, because years afterwards the subject was taken up under the leadership of Theodore Roosevelt, and we were able to work out elaborate successful legislation. There was just as much difference of opinion and opposition then to national irrigation as there is here to-day or was yesterday to the forestry and grazing propositions, but those interested in it had the good sense finally to go into a volunteer committee, composed of representatives from all the arid-land States, and to thrash it out among themselves to a harmonious ending, spending more than a month in the process, and then coming before this body and the other body with a particular and definite policy. This policy was promptly indorsed, and it is being proceeded under now to the great benefit of this country.

The question as to grazing control on the public domain is, in my opinion, just as sure to come before this body and require some kind of a settlement as was that of irrigation. It will not down. The purely grazing land must be sold or apportioned, by rental or otherwise, or the range will be destroyed and wars of occupation will ensue. It is misunderstood at the present time as to what is proposed to be done, and this is evidenced not only by what we see in the press and current in the newspapers, but by the letters that are brought in here by Senators and, indeed, by the remarks of Senators themselves.

The letters which have been written by the President and read before the Agricultural Committee, and which have in a way shaped the language of the amendment, are in favor of the settler against the stockman all the way through. In fact, there is not a single lease that could be made under this law, should it pass, but what would be subject to all kinds of settlement by any settler under any of the several existing land laws. Again, even though the man who makes a home there is within an inclosure, and even if a lessee is paying by the acre or by the head for the use of his inclosure, the settler gets free grazing instantly and continuously for all the stock that he has and needs for domestic use. Furthermore, he has an opportunity to enlarge his possessions and graze more stock by leasing that which naturally belongs to him, by annexing the land nearest to his settlement and renting it as against the first tenant.

Now, this proposition is not one that is attempted to be forced in here by the Forester or by the President of the United

States, although, in truth, it might seem just at this time as if we were moving a little bit fast in proposing such legislation in an appropriation bill. But there are some reasons why the President and those interested in the management of the Interior Department ought to ask Congress to settle the question.

For instance, there is a large part of the State I in part represent—and there are other States similarly situated—where Congress provided railroad land grant subsidy to the Union Pacific, Central Pacific, and other railroads, alternate sections of land in a strip 40 miles wide, 20 miles on each side of the railroad. The railroads did not ask to have it in checkerboard form. The Congress granted it and forced them to accept it in that way. It has been largely sold to settlers and grazers. Much of it will never be available for anything but grazing. It was sold many years ago. There are innumerable inclosures on that land in which half of the land belongs to the men who bought of the railroad and the other half belongs to the Government. These men fenced the land when there was no law against fencing. They are prepared, and always have been, to exchange; they are prepared to rent; they are prepared to do anything that will put an end to the confusion and the depressing and distressing circumstances existing. It is an anomalous condition.

When Congress passed the antifencing law, it took no notice of this peculiar situation, and the executive department has since been struggling with it. There have been lawsuits; there have been wrongs; there have been bankruptcies and no end of grief and trouble. Nevertheless, the law remaining unreppealed, it has come to a pass where the Interior Department and the President believe that the law must now be even more rigidly enforced, and without further delay, unless relief be afforded by Congress.

A proclamation or order has been issued which provides that after April 1, 1907, there will be no further notices to the owners of these fences, and that fences must come down instantly or the owners will be held liable both civilly and criminally on and after that date. It therefore occurred to those administering the affairs of the Government that if the Congress were ready to pass upon the question of grazing-land control, it would relieve those settlers in these checkerboard belts—mostly small stockmen with thoroughbred or high-bred stock, who are carrying on their business in inclosures, feeding over a part of the land in winter and the other part in summer. In this way the grasses are allowed to grow to maturity and scatter their seed, and reseed and reenforce the range in alternating years. If it were not the desire to afford them some early relief, this question might as well go over to another year as to receive consideration now.

Mr. President, this question, like every question, has at least two sides, and sometimes many more. It is a question broad enough to discuss not for hours, but for days. I would not like to undertake to discuss this question and bring out all there is to say in and about it in the time that we have left of this week or at our disposal before the closing hour of the present Congress. Therefore I dislike to go into it at all, except to say that the President and the Forester have been brought to the condition of mind in which they now are, in my own judgment, by the demands made upon them by different parties, settlers upon public lands, individual, corporate, and otherwise, from time to time in the last five years. The President has said to the committee over his signature that if they shall give him the authority he will, first, protect any and all settlers as against the grazers, whoever and wherever they may be.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. WARREN. Certainly.

Mr. PATTERSON. Let me ask the Senator from Wyoming if the men who have been importuning the President to favor a law of this character are not chiefly those who have fenced unlawfully great areas of the public domain and doing so in violation of the law, and if they have not been moved to the tremendous recent effort they have been making by notice from the President that their fences will have to be removed within a certain time? Is not that the impelling power that has brought this question so prominently before Congress?

Mr. WARREN. I am glad the Senator has asked me that question. I desire to say to him that he never was farther away in his life from the true state of affairs than he is if he supposes that the fact is as indicated by his question and that it is the great fences of illegal holders for which protection is sought.

Mr. PATTERSON. I know that Murdo McKenzie and others of the great stock growers were here.

Mr. WARREN. Murdo McKenzie was not here before the Committee on Agriculture, I beg to say.

Mr. PATTERSON. Murdo McKenzie called upon me personally.

Mr. WARREN. He was not present surely at any of the meetings.

Mr. PATTERSON. No; but he had just left the powers that be.

Mr. WARREN. I do not know anything about that.

Mr. PATTERSON. He came to see me to induce me to give my influence toward putting through this particular scheme, and he assured me at the time that not only were the great stock owners behind it, but that the small ones were. I tried to find out what the facts were so far as that was concerned, and all the information that I got was that a general and almost intense feeling has been created among the average stock growers of the States in contemplation of that which they are attempting to impose.

Mr. WARREN. But the Senator now speaks of great stockmen and small stockmen, while a moment ago the question was whether the proposition was not confined to those men who had great areas illegally fenced in.

Mr. PATTERSON. It was Murdo McKenzie who represented that to me; but I found he was mistaken, greatly mistaken, and that he himself misrepresented the fact to me.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Rhode Island?

Mr. WARREN. I do.

Mr. ALDRICH. The Senator from Colorado alluded to the "powers that be" about this legislation. Who are they?

Mr. PATTERSON. Well, I am not required to furnish a bill of particulars.

Mr. WARREN. Now, Mr. President, I think it is due to Senators that I should say that there has been a disposition all through this land the past few years to assume that if a man had more than a milch cow and a horse he was a thief and a rascal and generally a lawbreaker. There have been bruited about throughout the press—and some of this yellow-journal news has originated in and been given out from one of the great Departments of this Government—charges against men in this body that they were lawbreakers because of fencing, etc.

Now, Mr. President, I think it is due to Senators that I should say that there has been a disposition all through this land the past few years to assume that if a man had more than a milch cow and a horse he was a thief and a rascal and generally a lawbreaker. There have been bruited about throughout the press—and some of this yellow-journal news has originated in and been given out from one of the great Departments of this Government—charges against men in this body that they were lawbreakers because of fencing, etc.

Mr. President, so far as I am concerned, let me say that my own private interests are such that this legislation is exactly contrary to those interests, and to do nothing would best facilitate the interests that I have in the live-stock business. But I plead for the greatest good to the greatest number. We need more settlers and better protection for all. Let me say further that, as for myself, I have not directly or indirectly one foot of Government land illegally inclosed, nor have I one foot of illegal fence.

Now, as to the charges against men who have large inclosures, there is no one who has any sympathy for men who have large illegal inclosures out on the open public domain erected lately and since there was law against it; but when the Senate and House of Representatives have deliberately invited forces and placed a railroad grant 40 miles wide and 500 miles in length in a checkerboard form across a State, and then say to the men who have bought the odd or railroad sections in the country where there is nothing of value but grazing, "You shall pay the taxes upon the alternate sections—those black checks in that checkerboard—and still you shall keep it open for everybody to use and share equally with you, the owner," somebody is wronged. The Government has the other alternate sections—the white checks—and pays no tax. The man who owns nothing, who comes in like the grasshopper pest with his great flocks of sheep and cattle, thus has the benefit of what has cost the buyers of railroad land vast sums of money, and upon which they are daily paying taxes, while the interloper neither misses a meal nor pays a penny.

This is where the unfortunate situation comes in as to fencing; and you might as well cut out of this whole proposition the fact that there may be a few great illegally fenced areas in the United States. There is not one of them that I or anybody else but the owners themselves wish to protect. But when

you come down to the man who has bought two, four, or more sections of railroad land which he can not fence without fencing in two, three or more alternating sections of Government land, and you say that he shall open up the whole mass of broad prairie, his purchased land with the balance; that he can not keep his own stock upon his own land, but must contribute his all to the roving, pirate bands of vicious owners, who pay taxes nowhere and rob ranges everywhere; that an owner can not get any benefit from his own land that others do not get, and still he shall pay the taxes year after year, do you not place upon him a hardship?

Again, in this checkerboard belt, it matters not how a man undertakes to fence in his own land, if he has 4 miles square, 2 of the Government's and 2 of the railroads, and he fences them, a settler has only to go through one fence to settle upon that inclosed Government land; but you let a man who has, say, 10 miles square of such land, and he fences the railroad land, each black or alternate section by itself, and you have not only fenced every Government section, but you have put the Government sections where an incoming settler has to go through four or five fences to get into the center sections, and you have benefited nobody, but have brought illimitable harm to the man who is a true settler and who has his money invested and who ought to be protected.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. WARREN. In just a moment. Again, in this checkerboard belt, it matters not how a man undertakes to fence in his own land, if he has 4 miles square, 2 of the Government's and 2 of the railroads, and he fences them, a settler has only to go through one fence to settle upon that inclosed Government land; but you let a man who has, say, 10 miles square of such land, and he fences the railroad land, each black or alternate section by itself, and you have not only fenced every Government section, but you have put the Government sections where an incoming settler has to go through four or five fences to get into the center sections, and you have benefited nobody, but have brought illimitable harm to the man who is a true settler and who has his money invested and who ought to be protected.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. WARREN. Certainly.

Mr. TILLMAN. I wish to ask a question for information, because I am entirely ignorant on the subject. I just want to get at the status in the regions in the West where these land-grant roads were run and where there are the odd sections in checkerboard fashion the Senator has just spoken about. Of course as I get it now—I do not know, and I want the Senator to correct me if I am wrong—they are in about this condition: The railroads owning alternate sections, we will say, and having sold twenty or fifty of them consecutively to one man, the Government sections being between these, lying scattered and mixed up with it, are of course open to entry, if anybody wants to go in and enter that land; but owing to the fact that water is scarce and that it has probably all been preempted by somebody, are they not in a condition out there where a man who has bought the railroad land has practically confiscated the Government land, and there is no chance under the sun of anybody to utilize or to buy or to enter upon and get the Government land at all?

Mr. WARREN. May I ask the Senator from South Carolina a question? What would be the condition if there were no fences?

Mr. TILLMAN. That is not the point. I want the Senator to answer my question, and then I will answer any question he chooses to ask me.

Mr. WARREN. Let me answer the question. The man who has bought the railroad land and fenced it is flat on his back, figuratively speaking.

Mr. TILLMAN. I do not mean the Government land, but the railroad land.

Mr. WARREN. The man who has bought the railroad land stands respectfully aside while any man on earth can come along with any kind or amount of live stock and open the fences and turn his stock inside on the railroad and Government lands, and he can say to the owner, "Order me off, if you dare; you have some Government land fenced in, and I will report you." Thus the outsider has the best protection in the world, be he either honest settler or scalawag.

The real facts are that settlers who want to make claims inside such fences come in and make claims, and each one of such settlers gets the benefit of his own land and his land-owning neighbor's land and his neighbor's fences and his neighbor's water, as well. If you go out there in that country now

you will find more settlers who do not own anything but their homesteads, who are trying to have something of this kind done, to provide for grazing privileges, than of any other class. Then they can go on as they are now doing with their neighbors, who own the railroad land, and continue to enjoy the privileges, the fences, and the water of their neighbors.

Mr. TILLMAN. Mind you, I am not advocating this proposed legislation, and I am inclined to think that when we get through it will not go in. I hope we will get at some adjustment relative to the rights of the people that will be fair and honest to all concerned. I should like to get the Senator to illuminate and illustrate the situation as to the Government land. If the owner of the railroad land, the alternate sections, is fencing in the Government land along with his and is enjoying it all, there is no chance for anybody else, of course.

Mr. WARREN. What does the Senator mean by saying that there is no chance? Everybody who comes along has just as much right in there under the present condition as the man who owns the land.

Mr. TILLMAN. Do I understand the Senator is advocating that the system proposed in this bill shall become a law?

Mr. WARREN. I am stating what was the reason of its being put in here at this time; and if the Senator asks me whether I am advocating it, I want to say to him with all the emphasis I have that I am advocating it.

Mr. TILLMAN. The Senator then wants the man who owns the railroad land to pay the Government some little pittance for the privilege of fencing and pasturing the Government land. Is that it?

Mr. WARREN. I want the land rented to anybody who wants to rent it, and to the settler first. That is what this bill proposes.

Mr. TILLMAN. But what is the use of talking about somebody settling on these odd sections that are fenced if there is no chance for him to get water, and you can not make a living there unless you can get water?

Mr. WARREN. Does the Senator suppose the water is all in the railroad sections?

Mr. TILLMAN. No, indeed; but I will gamble that every particle of that water has been preempted and you can not get to it with your stock. If you attempt to take your cattle in there they will not allow you to get to the water, because the sections along the streams have already been taken up.

Mr. WARREN. It is always well when one contends against a system to have something to propose in place of it. What would the Senator propose to do?

Mr. TILLMAN. I am not proposing to do anything. I am trying to get information, so that I may be able to vote intelligently.

Mr. WARREN. If the Senator will desist for a moment and let me finish what I was saying when interrupted by the Senator from Colorado, then perhaps he will understand some of these points I am trying to make.

Mr. TILLMAN. I am not trying to make any point at all. I am trying to get some light. I want to understand.

Mr. WARREN. As the Senator is doing all the talking, he must be getting light in the matter.

Mr. TILLMAN. If you have got any, please give me a little, then. [Laughter.]

Mr. WARREN. Is the Senator through?

Mr. TILLMAN. Yes; I will sit down. Then the Senator may illuminate the matter.

Mr. ALDRICH. I was about to appeal to the Senator from Wyoming to let this bill be read through. We have been discussing three days a proposition which everybody in the Senate knows will go out upon a point of order as soon as it is raised.

Mr. WARREN. The Senator will understand that I rose to facilitate just what he asks. I desire to state the reason why this provision was inserted in the shape it is. I hope to do it, unless there is some reason why I should not occupy the floor. If there is, of course I will yield.

Mr. ALDRICH. The Senator from Vermont, in charge of the bill, I am sure is very anxious to get action on it.

Mr. WARREN. Is he more anxious to get action when I am speaking on it than when anybody else is?

Mr. ALDRICH. No. I thought the Senator was only going to speak a few moments.

Mr. WARREN. The Senator knows I have been interrupted. The proposition, as it came to the committee, was that there would be a plan adopted, first, to protect every settler under every one of the laws now upon the statute books and on any part of the land upon which he saw fit to settle; that if he came where there happened to be an inclosure, he had the benefit of grazing his domestic stock free, and had the first chance to rent the land around him; second, the Government would

only organize such grazing districts as it seemed necessary to organize from time to time, the other land remaining just as it now is, open public domain; third, the division of the ranges between different settlers was to be accomplished by local men interested and responsible to their neighbors; fourth, the charges were to be nominal—a fraction of a cent an acre in some cases, and from that up to a few cents an acre in the most favored spots—so that the amount collected presumably would cover only the expenses of administration; that if there were any surplus funds they should go to the States in which the amount was earned.

Mr. President, I am not going further into this, except to say again that the Forester, Mr. Pinchot, is in nowise responsible nor is the President as to the condition I have described; and it is their wish to aid the settlers in overcoming these difficulties and to prevent indiscriminate stamping out and ruination of the ranges. They are simply undertaking to disentangle a difficult and complicated condition, if it may meet the views of those interested in it to have them do so.

I want to say of the Forester that there has been nothing said here to his credit that I do not indorse. I want also to indorse in strongest terms Mr. Wilson, Secretary of Agriculture. I want to say, furthermore, that as to the amount appropriated for forestry we must increase it before we finish consideration of this bill, unless it is our desire to do away with our system of forestry. Having said this much, I will yield the floor.

Mr. PROCTOR. Mr. President, in the interest of progress, I ask that this amendment go over until to-morrow. It is very evident that a vote can not be reached on it to-night. I hope to go on with the reading of the bill and to dispose of most of the amendments to-night.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. DUBOIS. Mr. President, I simply desire to say that what the Senator from Wyoming [Mr. WARREN] has said in regard to the amendment about grazing, and giving the reasons why it was put in, induces me to make a few remarks, though I do not care particularly to make them now. He says that it was put in in order to provoke discussion. Everyone knows that it is going out on a point of order; but he wanted to get the opinion of Senators with regard to it. Before the bill is disposed of I want to give my opinion in regard to the grazing proposition.

Mr. PROCTOR. Mr. President, if the Senator will allow me, I can assure him that he will have an opportunity to-morrow when that matter is reached. It will be passed over to-night. I think the point of order will be raised; but the amendment will be held over until there is a reasonable opportunity given Senators who desire to speak upon it.

Mr. WARREN. Either the Senator from Idaho misunderstood me or I did not state myself clearly. The proposition put by me was that if there were a unanimity of feeling about this amendment, then it would go in, but if it were to provoke discussion, it would of course have to go out on a point of order, which any one Senator could effectually make.

Mr. DUBOIS. He wanted to get the views of Senators. This proposition is very different from the irrigation proposition to which the Senator from Wyoming has referred. Almost all the western Senators introduced bills in regard to irrigation, and finally the eastern and middle western Senators came to us and said, "If you will unite on a bill, we will be glad to pass a national bill for you." We were all pressing for this one thing, a national irrigation act, which would be effective. The Senator from Wyoming used a very poor comparison, indeed.

I have been in the House and in the Senate practically for twenty years, and for twenty years the western representatives, with the exception, I think, of the Senator from Wyoming—I may do him an injustice, but my recollection is that he always favored the putting of these lands in the West in the hands of the Government, in order that they might be leased and to take them out of the hands of our people there—I think that the western Senators will express themselves with the same unanimity in regard to this grazing proposition that they always have for the last twenty years, and that they will not come to an agreement in favor of it, as they did to an agreement in favor of the act in regard to national irrigation.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. DUBOIS. Yes.

Mr. WARREN. The Senator again misstates me, because the RECORD will show that my early contention was that the States themselves should control the grazing lands. The first speech that I ever made here in the Senate was upon that side of the subject. The Senator is again mistaken when he assumes that

I stand alone in this contention of the urgent necessity of some kind of regulation for grazing lands.

Mr. DUBOIS. I have always been a strong advocate, Mr. President, of forestry and of the forest reserves. I have advocated that policy on the floor of the Senate. I have defended the head of the Forestry Division. I am a strong advocate of the forestry-reserve policy now. In the western country irrigation, in my judgment, can not continue successfully unless the forests are preserved at the heads of the streams. In my own State, for instance, there are some 2,000,000 acres of land now, under the Carey Act and the national reclamation act, and being made ready for settlers. We have to store water, and all the water is being utilized. There is scarcely any unused water left in any of the Western States. We must utilize every drop possible. We must resort to storage reservoirs as we are doing in the great Jackson Lake just below the Yellowstone Park. At this junction between Wyoming and Idaho and Montana we have built a reservoir which has been partially completed within the last three or four weeks. It adds, as it is now built, 800,000 acre-feet of water to the Snake River. This will supply the Minidoka project in Idaho with sufficient water and leave a surplus which is much needed for other lands already under cultivation.

We shall store eventually in that lake the water to irrigate 1,500,000 acres of additional land. All that region is in a forest reserve. It should be, in order to preserve those waters. It is so in regard to the other States.

The northern part of my State, where my colleague lives, has the finest timber land left in the United States. The only great belt of white-pine timber now standing is in north Idaho. One syndicate alone owns 500,000 acres of that white-pine timber. Without forest reserves, in my judgment, the syndicate would soon own it all. It is not a sufficient answer to say that when they cut this timber it goes into buildings and is made use of by the people of the United States, who enjoy its benefits. That is not a sufficient answer. When these syndicates get through cutting the timber, that is the end of it; the timber is destroyed. Under the forest-reserve policy, after they cut the timber the land is reforested and the timber will be there for the generations which are to come after us. The Government culls out what timber shall be cut, reserving the remainder, so that there is a constant and continuous growth, which will go on for years to come.

The benefits of forestry reserves need no defense, but unfortunately the Forestry Service have gone too fast. They have put too much land into forest reserves. In my own State, in one of their recent reservations they have taken large tracts of grazing land where there is no forest at all. They are stirring up the animosity of the West. Unless they call a halt, they will have the West almost opposed to the policy of forest reserves. They are not using good judgment. They should go slower. Forest reserves is a new enterprise in our country.

The Forester now has over 100,000,000 acres under his control. He has to patrol them; he has all this force to look after, and it requires great executive ability. He ought to learn by experience. He ought not to add to his responsibilities. I am quite clear that unless a halt is called there will be a storm of protest around his ears from the home seekers, the homesteaders, and the settlers which may injure the whole policy of forest reserves, if not destroy it.

Much less, Mr. President, ought he to attempt to add to his other cares and responsibilities all the grazing land of the West. There are many, many objections to it, in addition to that of putting this added responsibility on the head of the Forestry Bureau. Our people are opposed to it. We think we know if the Government has charge of those grazing lands they will quickly fall into the hands of the large stock owners. As my friend from South Carolina [Mr. TILLMAN] said a moment ago, after confessing that he knew nothing about it and was asking for light, they will get control of the water, and thereby control over all the land. Our own people in the different States can take care of these grazing lands better than the United States Government can.

The cattlemen and sheepmen ought not to be compelled to go to the employees of the Forestry Bureau in order to get permits to graze their herds on these lands. It is well enough for the Forester to regulate the grazing lands in forest reserves, but that Bureau ought to stop the creation of these needless forest reserves. When they create proper forest reserves, it is well for the Forester to regulate the grazing land within them in order to protect them from fire, in order to see that the timber is not destroyed, in order to provide pasturage properly; for a great many reasons it is well that he should take charge of it. I hardly think, however, that he should charge cattle and sheep men for the privilege of grazing on those lands.

Mr. President, I shall not discuss this subject any longer, as it is going out on a point of order; but I wanted to add my protest, as one of the representatives of the Western States, against this attempt which has been continuous in one form and another for twenty years, to get the privilege of leasing and controlling our lands in the West in the hands of the Department at Washington.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The reading of the bill was resumed, beginning on page 42, line 17. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Chemistry," on page 42, line 19, to increase the appropriation for the salary of one chemist, who shall be Chief of Bureau, from \$3,500 to \$5,000.

The amendment was agreed to.

The next amendment was, on page 43, line 13, to increase the total appropriation for salaries, Bureau of Chemistry, from \$46,420 to \$47,920.

The amendment was agreed to.

The next amendment was, on page 44, line 13, after the word "foods," to insert "to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: *Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding;" so as to read:

To investigate the composition, adulteration, and false labeling or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods, to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: *Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding.

Mr. PROCTOR. Let that amendment be passed over, Mr. President.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 45, line 9, after the word "countries," to insert "to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor;" so as to read:

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor.

Mr. PROCTOR. I ask also that that amendment go over. I wish to state that the committee proposes to modify that amendment by striking out the last five words, "and to establish standards therefor."

Mr. KEAN. That does not cure it. It is still subject to the point of order.

Mr. LODGE. That does not alter it. I do not think we ought to insert a provision of this sort on an appropriation bill. It is a matter of very great importance and ought to be embodied in a separate measure. Of course, if the Senator from Vermont wants to debate it, I shall not make a point of order; but the point of order is going to be made, and it will save time to take the amendment out.

Mr. PROCTOR. I wish to say something about it. Let the amendment go over.

The VICE-PRESIDENT. The modification of the proposed amendment will be stated.

The SECRETARY. On page 45, line 13, after the word "therein," it is proposed to strike out the words "and to establish standards therefor."

The VICE-PRESIDENT. At the request of the Senator from Vermont, the amendment as modified will be passed over.

The reading of the bill was resumed. The next amendment was, on page 46, line 14, after the word "elsewhere," to strike out the period and the word "Employing" and insert a semicolon and the word "employing;" and in line 17, after the word "named," to strike out the period and the word "And" and insert a semicolon and the word "and;" so as to read:

For all expenses necessary to carry into effect the provisions of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named; and the employees of the Bureau of Chemistry outside the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year, \$650,000.

The amendment was agreed to.

The next amendment was on page 46, line 25, after the word "Provided," to strike out "That no part of this sum shall be used for the payment of compensation or expenses to any officer or other person employed by any State, county, or municipal government" and insert "That any part of this sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December, 1908;" so as to make the proviso read:

Provided, That any part of this sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December, 1908.

Mr. PROCTOR. I wish to say that the committee modify that amendment by leaving out of line 3, on page 47, the words "part of this;" so that it will read: "That any sum used," etc.; and by striking out the words "nineteen hundred and eight," on page 47, line 7, and inserting the words "in each and every year." If there is to be any discussion in regard to that amendment, I will ask that it also may be passed over, as I wish to submit a statement of what has already been done in regard to that and what is likely to be done.

Mr. LODGE. There will be a good deal of discussion on that, for I think the House provision was a wise one, and ought not to be taken out.

The VICE-PRESIDENT. The modification of the amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 47, line 3, after the word "any," it is proposed to strike out the words "part of this;" and on page 47, line 7, after the word "December," it is proposed to strike out "1908" and to insert "in each and every year."

The VICE-PRESIDENT. The amendment as modified will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 47, line 8, to increase the total appropriation for the maintenance of the Bureau of Chemistry from \$696,420 to \$697,920.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 48, line 24, after the word "buildings," to strike out "not to exceed \$4,000 per annum" and insert "in the District of Columbia;" so as to read:

To investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries; to investigate, in cooperation with the Bureau of Plant Industry, the methods of curing, with particular reference to fermentation; to investigate, with the view of improving, the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries where the business of buying and selling tobacco is conducted by the government; the location of the stations; rent of buildings in the District of Columbia for office and laboratory purposes.

The amendment was agreed to.

The next amendment was, on page 49, line 10, to increase the appropriation for soil investigations from \$170,000 to \$200,000.

The amendment was agreed to.

The next amendment was, on page 49, line 12, to increase the total appropriation for the maintenance of the Bureau of Soils from \$206,980 to \$236,980.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I should like to inquire whether it is now in order to offer an amendment.

The VICE-PRESIDENT. It is in order to offer an amendment to a committee amendment; but unless the amendment is to a committee amendment it is not in order until after the committee amendments are disposed of.

Mr. SIMMONS. It is not an amendment to a committee amendment; but I think the committee will accept it, and I should like to suggest it to the Senator from Vermont.

The VICE-PRESIDENT. The amendment will be in order after the committee amendments are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Entomology," on page 50, line 10, before the word "domestic," to insert "men and;" so as to read:

Entomological investigations: General expenses, Bureau of Entomology; Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of insects affecting field crops; investigations of the insects affecting small fruit, shade trees, and truck crops, forests and forest products and stored products; investigation of insects in relation to diseases of men and domestic animals, and as animal parasites.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "entomological investigations," on page 51, line 4, after the word "dollars," to insert "of which sum \$10,000, or so much thereof as may be necessary, may be used to enable the Secretary of Agriculture to continue the experiments looking to the eradication of the pest known as the 'white fly';" so as to read:

Preparing, illustrating, and publishing the results of the work of the Bureau, \$113,800, of which sum \$10,000, or so much thereof as may be necessary, may be used to enable the Secretary of Agriculture to continue the experiments looking to the eradication of the pest known as the "white fly."

The amendment was agreed to.

The next amendment was, on page 51, after line 10, to insert:

BUREAU OF BIOLOGICAL SURVEY.

Salaries, Bureau of Biological Survey: One Biologist, who shall be Chief of Bureau, \$3,000; two clerks, class 1, \$2,400; three clerks, at \$1,000 each, \$3,000; one clerk, \$900; one messenger or laborer, \$480; in all, \$9,780.

Mr. HEMENWAY. I should like to ask the Senator in charge of the bill whether this creates a new bureau in the Department of Agriculture?

Mr. LODGE. No.

Mr. PROCTOR. Certainly not. It was omitted for some reason. It has been the law for some years—just the same precisely.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 52, line 8, after the word "the," to strike out "department" and insert "Bureau;" so as to read:

For preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the Bureau.

The amendment was agreed to.

The next amendment was, in the item of appropriation for biological investigations, on page 52, line 15, before the word "hundred," to strike out "forty-four thousand four" and insert "fifty-five thousand nine;" and in line 19, after the word "of," to strike out "Biology" and insert "Biological Survey;" so as to read:

And to enable the Secretary of Agriculture to carry into effect the provisions of an act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibiting the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," \$55,920. And the Secretary of Agriculture is hereby directed to investigate and report to the next session of Congress to what extent, if any, the work now being done by the Bureau of Biological Survey is duplicated by any other Department of the Government, and to what extent the work of this Bureau is of practical value to the agricultural interests of the country.

The amendment was agreed to.

The next amendment was, on page 52, after line 22, to insert: Total for Bureau of Biological Survey, \$65,700.

The amendment was agreed to.

The next amendment was, under the head of "Division of accounts and disbursements," on page 53, line 6, after the word "cashier," to insert "and chief clerk;" and in line 7, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" so as to read:

Salaries, Division of Accounts and Disbursements: Chief of division and disbursing clerk, \$2,750; one assistant chief of division, \$2,500; one auditor, \$2,000; one cashier and chief clerk, \$2,000.

The amendment was agreed to.

The next amendment was, on page 53, line 20, to increase the total appropriation for the maintenance of the Division of Accounts and Disbursements from \$41,590 to \$41,790.

The amendment was agreed to.

The next amendment was, on page 56, line 11, to increase the appropriation for general expenses, Division of Publications, from \$35,000 to \$40,000.

The amendment was agreed to.

The next amendment was, on page 56, line 12, to increase the total appropriation for the maintenance of the Division of Publications from \$161,550 to \$166,550.

The amendment was agreed to.

The next amendment was, on page 59, line 19, after the word "series," to strike out "for binding periodicals;" and in line 23, before the word "dollars," to strike out "ten thousand" and insert "twelve thousand five hundred;" so as to read:

Library, Department of Agriculture: General expenses, library: Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, and for the employment of additional assistance in the city of Washington and elsewhere, when necessary; for traveling expenses, and for library fixtures, shelving, library cards, and other material, \$12,500.

The amendment was agreed to.

The next amendment was, on page 60, line 10, after the word "copies," to strike out "and he is hereby authorized to apply the money received toward the expense of the preparation of the index;" so as to make the proviso read:

And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies.

The amendment was agreed to.

The next amendment was, on page 60, line 12, to increase the total appropriation for the maintenance of the library, Department of Agriculture, from \$25,880 to \$28,380.

The amendment was agreed to.

The next amendment was, on page 62, line 15, to increase the appropriation for agricultural experiment stations under the act approved July 2, 1862, and of the acts supplementary thereto, from \$827,000 to \$842,000.

The amendment was agreed to.

The next amendment was, on page 63, line 12, after the word "above," to strike out "act" and insert "acts;" so as to read:

And the Secretary of Agriculture is hereby authorized to rent offices and to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins, and reports as he may find essential in carrying out the objects of the above acts.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of agricultural experiment stations, on page 64, line 11, before the word "thousand," to strike out "twenty-seven" and insert "forty-two;" so as to make the proviso read:

The Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, and Porto Rico and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used; in all, \$842,000.

The amendment was agreed to.

The next amendment was, on page 64, line 11, before the word "thousand," to strike out "five" and insert "twenty;" and in line 12, after the word "sum," to strike out "shall" and insert "may;" so as to make the proviso read:

Provided, That \$20,000 of this sum may be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, etc.

The amendment was agreed to.

The next amendment was, on page 65, after line 3, to insert:

Nutrition investigations: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, including special investigations on the nutritive value and economy of the diet in public institutions; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary in the city of Washington and elsewhere; and the agricultural experiment stations are authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with the said Secretary of Agriculture or otherwise, \$20,000.

The amendment was agreed to.

The next amendment was, on page 66, line 14, to increase the total appropriation for the maintenance of the Office of Experiment Stations from \$1,008,220 to \$1,043,220.

The amendment was agreed to.

The next amendment was, under the head of "Office of Public Roads," on page 66, line 18, to increase the appropriation for the salary of one Director, who shall be a scientist and have charge of all scientific and technical work, from \$2,500 to \$2,750.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Office of Public Roads, on page 66, line 22, before the word "clerks," to strike out "three" and insert "four;" in

the same line, before the word "thousand," to strike out "three" and insert "four;" and in line 23, after the word "dollars," to insert "one clerk, \$900;" so as to read:

Two clerks, class 1, \$2,400; four clerks, at \$1,000 each, \$4,000; one clerk, \$900.

The amendment was agreed to.

The next amendment was, on page 67, line 1, to increase the total appropriation for the maintenance of the Office of Public Roads from \$12,140 to \$14,290.

The amendment was agreed to.

The next amendment was, on page 67, line 20, to increase the total appropriation for the maintenance of public-road inquiries from \$57,660 to \$86,460.

The amendment was agreed to.

The next amendment was, on page 67, line 22, to increase the total appropriation for the maintenance of the Office of Public Roads from \$69,800 to \$100,750.

The amendment was agreed to.

The next amendment was, on page 68, line 2, to increase the total appropriation for the maintenance of the Department of Agriculture, for routine and ordinary work, from \$7,573,590 to \$8,302,190.

The amendment was agreed to.

The next amendment was, on page 68, line 5, before the word "the," to insert "hereafter;" so as to read:

And hereafter the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department, as may be for the best interests of the service.

The amendment was agreed to.

The next amendment was, on page 68, line 12, before the word "dollars," to insert "five hundred;" so as to make the proviso read:

Provided, That the maximum salary of any classified scientific investigator in the city of Washington, or other employee engaged in scientific work, shall not exceed \$3,500 per annum.

The amendment was agreed to.

The next amendment was, on page 69, line 9, after the word "necessary," to insert "of which sum \$40,000 shall be immediately available;" so as to make the clause read:

Cotton boll weevil investigations: For the Bureau of Plant Industry: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the Mexican cotton boll weevil in the Southern States by encouraging the diversification of crops, improved cultural methods, breeding of new cottons, and to study the diseases of cotton, \$150,000, or so much thereof as may be necessary, of which sum \$40,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 3, after the word "appropriated," to insert "and made immediately available;" so as to make the clause read:

Prevention of spread of moths: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths, \$150,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 14, after the word "dollars," to insert "of which sum \$25,000 shall be immediately available;" so as to make the clause read:

Eradicating cattle ticks: For Bureau of Animal Industry: To enable the Secretary of Agriculture to undertake experimental work in cooperation with State authorities in eradicating the ticks transmitting southern cattle fever, \$150,000, of which sum \$25,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, after line 17, to insert:

Survey of and report on Appalachian and White Mountain watersheds: To enable the Secretary of Agriculture to examine, survey, and ascertain the natural conditions of the watersheds at and near the sources of the various rivers having their sources in the Southern Appalachian Mountains and the White Mountains, and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government's purchasing and setting apart the same as a natural forest reserve for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation, \$25,000, to be immediately available.

Mr. PROCTOR. In line 2, page 71, I move to strike out "national" and insert "national."

The amendment to the amendment was agreed to.

Mr. PROCTOR. I ask that the next amendment may be passed over.

The VICE-PRESIDENT. The question is on agreeing to the amendment just reported.

Mr. HEMENWAY. What has become of the amendment just read?

Mr. LODGE. It is open.

The VICE-PRESIDENT. The amendment is open.

Mr. HEMENWAY. I think the amendment had better go over.

Mr. PATTERSON. Does the amendment that it is asked shall be passed over relate to grazing lands?

The VICE-PRESIDENT. That has not yet been reached.

Mr. LODGE. We have not reached the grazing-land amendment. This is an amendment for the survey of the White Mountain and the Appalachian Mountain watersheds, \$25,000. It is a matter of great importance to both of those regions. I can not conceive of any objection to it.

Mr. HEMENWAY. There are very serious objections.

Mr. LODGE. If there is objection, let the amendment go over.

Mr. PROCTOR. Let both of the amendments be passed over.

The VICE-PRESIDENT. The amendment which has just been reported will be passed over, and the amendment beginning in line 7 on page 71 and ending in line 7 on page 73 will likewise be passed over.

Mr. PATTERSON. I desire to offer and have pending a point of order to the paragraph which has just been passed over, commencing in line 7 on page 71.

Mr. CARTER. That has been passed over for the evening, and I trust the Senator will not interpose a point of order at this time.

Mr. PATTERSON. I want to have the point of order pending, not to interfere with any discussion of the matter at all. The point of order I make is that it is new legislation.

The VICE-PRESIDENT. To what does the Senator from Colorado address his point of order?

Mr. PATTERSON. To the committee amendment on page 71, commencing in line 7, and extending to line 7 on page 73.

Mr. CARTER. As I understand, the Senator from Colorado merely gives notice that at the proper time he will make the point of order against it.

The VICE-PRESIDENT. The Chair so understands.

Mr. PATTERSON. Let it be considered as pending, not to interfere with the discussion.

Mr. CLARK of Wyoming. I desire to add to the point of order suggested by the Senator from Colorado that the amendment also proposes general legislation.

Mr. PATTERSON. General and new legislation.

The reading of the bill was resumed, commencing in line 8 on page 73. The next amendment of the Committee on Agriculture and Forestry was, on page 73, after line 14, to insert:

And hereafter the Secretary of Agriculture is authorized to sell as waste waste paper, or otherwise to dispose of the accumulation of Department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless.

Mr. PROCTOR. In line 16 the word "waste" is repeated. I move to strike it out where it occurs the first time.

Mr. CARTER. I submit to the chairman that the word should be retained. The word "waste" as used designates the class of property which may be sold in a given manner, and the repetition of the word "waste" is, I think, proper. It reads, "sell as waste, waste paper."

Mr. PROCTOR. It is my mistake. Seeing the word twice, I thought it a repetition. I withdraw the amendment to the amendment.

The amendment was agreed to.

Mr. PROCTOR. I have a committee amendment to come in at the bottom of page 73, but at the request of the senior Senator from Iowa [Mr. ALLISON] I will simply offer it now and ask that it be printed and passed over.

The VICE-PRESIDENT. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. It is proposed to add at the bottom of page 73 the following:

That hereafter, on or before the 1st day of January of each year, the Secretary of Agriculture shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

Mr. PROCTOR. I will say that that is designed to take the place of the amendment agreed to on page 42, at the close of the Forest Service provisions, and makes it apply to all bureaus.

Mr. President, returning to the first page of the bill, I move to strike out in line 11 the words "four thousand five hundred" and insert "five thousand." That is the salary of the Assistant Secretary. It has been discussed and understood that it should be the same as the others.

The amendment was agreed to.

Mr. PROCTOR. At the bottom of page 63, in line 24, I move to strike out the words "the Territories of." It now reads, "in the Territories of Alaska, Hawaii, and Porto Rico." They are not all strictly Territories. I move to strike out those words, and it will then read: "In Alaska, Hawaii, and Porto Rico."

The amendment was agreed to.

Mr. HANSBROUGH. I desire to have inserted in the RECORD, for the use of the conferees in case of any controversy, a letter from the Secretary of Agriculture with respect to a provision in this bill relating to grain inspection.

The VICE-PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, December 8, 1906.

Hon. H. C. HANSBROUGH,
United States Senate.

DEAR SENATOR HANSBROUGH: I have yours of December 4, asking for information as to the work that has been done by this Department under the item inserted by you last year in our appropriation bill, giving me authority to establish laboratories for the purpose of testing, weighing, sampling, and inspecting any samples of grain that might be submitted.

Recognizing the importance of this work, the Chief of the Bureau of Plant Industry inaugurated a number of lines before the appropriation actually became available, so that by the 1st of July everything was in readiness to go ahead with the establishment of the laboratories. Owing to the many complaints which had been received from foreign buyers of the bad condition of our grain arriving at European ports, a critical study was made of grain cargoes at a number of European ports by an expert. This work was inaugurated early last winter and continued through the spring; in fact, during the entire shipping season. The expert had submitted an exceedingly interesting report, in which he sets forth, on a percentage basis, the condition of the grain reaching European ports. The principal work was done with corn, but there was also a number of cargoes of other grain inspected. In all cases a record was made of the point of shipment and the conditions under which the grain was inspected and handled on this side. The data thus secured, you will see, will be useful in giving us information as to the value of the inspection service at different Atlantic and Gulf ports in the United States. This work is still being continued, and we now have an expert abroad going over practically the same ground, following up and tracing the cargoes as they reach the European ports.

Prior to the 1st of July a careful study of the grain situation with reference to the establishment of the laboratories was made by the officers of the Bureau of Plant Industry. The funds at hand were only sufficient to enable me to establish two laboratories, and after careful consideration it was deemed best to place these at Baltimore and New Orleans, respectively. Baltimore has special advantages in that it is close to Washington and can be kept constantly under the eye of our chief workers in the cereal investigations.

While no authority was given me by Congress to secure samples of grain, other than by the consent of those submitting the samples, no difficulty was met in this matter, as the Department has been able to secure at both Baltimore and New Orleans the full and hearty cooperation of the chambers of commerce and the inspection service. This is exceedingly interesting and valuable to the Department, as it places us in touch at once with the commercial aspect of the situation and enables us to do a great deal of good.

A definite system of receiving, handling, and certifying samples was developed by the Chief of the Bureau of Plant Industry and submitted to me and approved. I send you herewith a copy of the recommendations and the forms of certificates now being used. Recognizing the fact that the handling of grain, the inspection of grain, and the general trading in grain was a complicated question, an effort was made to secure early in the work a thoroughly competent expert who had been associated with grain inspection and understood the business from all sides. We have been fortunate in securing the services of Mr. John D. Shanahan, chief inspector at Buffalo, who has for twenty years been engaged in this work. Mr. Shanahan knows the methods of inspection and handling grain thoroughly in all parts of the United States, and is proving to be a valuable addition to our force in guiding our scientific experts in the matter of working out details for the establishment of standards.

Recognizing further the necessity of securing as complete data as possible in regard to the methods of inspection and handling of grain at various interior points, the Chief of the Bureau of Plant Industry directed one of his experienced men to visit Chicago, Milwaukee, Superior, Duluth, Minneapolis, and St. Paul last season to make a thorough study of the systems of inspection, methods of handling grain, cost of inspection, etc. Mr. Estabrook has prepared and submitted a very valuable report, giving full details in regard to all these matters and setting forth the various systems followed, both where there is State inspection and where the inspection is otherwise.

As a further aid to the work several experts of the Bureau of Plant Industry have been engaged in devising apparatus which could be used in inspecting grain and the standardization of the same.

I wish to emphasize at this point the absolute necessity for some system of standardization in all this work. At present there is practically no standard. It has been well said that we are practically in the position, so far as our grain is concerned, that the cloth merchant would be if there were no yardstick or suitable device for measuring. Inspection is now largely a matter of personal judgment, and until it can be placed upon a more precise basis the difficulties arising will continue. It has been found impracticable for inspectors at various places to hold to any definite system for any length of time. Our energies, therefore, have been exerted in the direction of securing apparatus and devices, as already indicated, which would eliminate, to as great an extent as possible, the element of error in judgment.

One of the most important factors in connection with the inspecting and handling of grain is that of the moisture content. The carrying quality of the grain and many other things depend upon the amount of moisture present. Inspectors, in the main, determine moisture by the feel of the grain. The only laboratory method available for the purpose heretofore has been one which required six or seven hours to determine the moisture of a given sample. This is too slow to be of any practical use; hence during the past year our officers have been endeavoring to perfect something better.

I am gratified to say that we now have a device which will enable us to determine moisture in twenty minutes, and we hope to still further perfect devices which will even shorten the time. We have this apparatus in use in both of our laboratories and it has met the approval of our own experts and that of the practical grain inspectors wherever we have exhibited and use it. I am satisfied that the plan of establishing these laboratories will prove effective in educating the grain trade as to what is necessary and essential in the matter of standards. I

believe it would be highly desirable to extend this work to interior points, as you suggest, establishing four or five more of such laboratories next year. No one recognizes more fully than I do the great importance of this subject, especially to the people of the Northwestern States, and I am anxious to do everything that can be done to help them.

It should be borne in mind, however, that we still have much to do in the way of establishing standards and that this is the first thing toward which our energies should be directed. The establishment of standards and the acceptance of the same by the grain trade will result in uniformity, and uniformity is bound to do away with a great many of the complaints that have arisen. You realize, of course, that in such a complicated question as this we must go forward with caution and conservatism. It would be unwise at this time for the Government to attempt to establish arbitrary standards which would not stand the test of actual practice. In fact, the Government would be placed in the same position as the State inspection service in many of the States is now placed, owing to the entire lack of anything like uniformity.

The gradual establishment of laboratories working along the lines indicated will result in uniformity of grades, and this very uniformity will lift the handling and inspection of grain from its present very unsatisfactory state to one that will have the confidence of both producers and handlers of grain.

If I can furnish any additional information along the lines set forth, please command me.

Very sincerely,

JAMES WILSON, Secretary.

Mr. PENROSE obtained the floor.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Minnesota?

Mr. PENROSE. I was about to move that the Senate proceed to the consideration of executive business, but I will withhold the motion.

Mr. BEVERIDGE. I hope the Senator will press it.

Mr. PROCTOR. There are some amendments which will not lead to discussion, and I should be glad to have them disposed of to-night. It will take but a few minutes.

The VICE-PRESIDENT. The Chair will recognize the Senator from Pennsylvania when this matter shall have been disposed of.

Mr. NELSON. I offer an amendment to come in at the end of page 73.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment, which will be stated.

The SECRETARY. At the bottom of page 73, it is proposed to insert:

That there shall be, and hereby is, annually appropriated out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890, the sum of \$5,000, in addition to the sums named in the said act, for the fiscal year ending June 30, 1908, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of \$5,000 over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall be \$50,000, to be applied only for the purposes of the agricultural colleges as defined and limited in the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the act of Congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the act of Congress approved July 2, 1862," and the expenditure of the said money shall be governed in all respects by the provisions of the said act of Congress approved July 2, 1862, and the said act of Congress approved August 30, 1890: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts.

Mr. LODGE. I should like to ask the Senator from Minnesota how much the amendment carries?

Mr. NELSON. Under existing law the agricultural colleges in each of the States and Territories are entitled to an annual appropriation, and are receiving it, of \$30,000.

Mr. PROCTOR. That is under the Morrill law.

Mr. NELSON. This amendment proposes to add \$5,000 each year for four years, until the whole amount comes to \$50,000, and after the end of four years the appropriation is to remain at \$50,000. What induces me to present the amendment is that in a great many of the States, especially in the South, they are now establishing county and rural agricultural schools, and the object of the amendment is to enlarge the scope of our agricultural colleges so that they can fit teachers for these local agricultural schools. It amounts to \$5,000 each year for four years, and every agricultural college and experimental station that I have been in communication with highly favors it.

Mr. BACON. I wish to suggest to the Senator from Minnesota, in view of the very great importance of the matter proposed, that the amount indicated by him is scarcely enough, and without detaining the Senate I want to state one fact.

In the State of Georgia there have been established within the past year eleven of these district colleges, supported in the manner indicated, not simply by this fund, but by local contri-

butions; and while I have not had time to make the calculation, I am sure that the amount indicated by the Senator will not be sufficient to be of material benefit.

Mr. NELSON. I will state to the Senator from Georgia that I entirely concur with him, and I should be glad to make it more; but I feel satisfied that that is impossible. This will be a little help, and we had better take this if we can get it.

Mr. BACON. If the Senator is satisfied that that is all we can get, of course I concur with him.

Mr. PROCTOR. I wish to say there has been no addition to the appropriation for agricultural colleges since the original act established them, under the bill introduced by Senator Morrill; and I happen to know that it was the Senator's intention the last year of his life to propose an amendment substantially like that of the Senator from Minnesota.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24925) making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foss, Mr. LOUDENSLAGER, and Mr. MEYER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON of Ohio, Mr. DOVENER, and Mr. BANKHEAD managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22334) to amend an act to regulate the sitting of the United States courts within the district of South Carolina.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 25190. An act to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906;

H. R. 25513. An act extending the time for making final proof in certain desert-land entries;

H. R. 25629. An act to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River;

H. R. 25672. An act to amend an act entitled "An act to authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River;" and

H. R. 25691. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company.

RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRYE. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. FRYE, Mr. ELKINS, and Mr. BERRY as the conferees on the part of the Senate.

AIDS TO NAVIGATION.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows. In lieu of the language proposed insert the following:

"A tender for use in Hawaiian waters and elsewhere as may be directed, at a cost not to exceed two hundred and fifteen thousand dollars."

And the Senate agree to the same.

S. B. ELKINS,
GEO. C. PERKINS,
LEE S. OVERMAN,

Managers on the part of the Senate.

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,

Managers on the part of the House.

The report was agreed to.

LEGAL REPRESENTATIVES OF JOHN SMITH, DECEASED.

Mr. BEVERIDGE obtained the floor.

Mr. CARTER. Mr. President—

Mr. BEVERIDGE. I yield to the Senator from Montana. I rose to move that the Senate proceed to the consideration of executive business, but before—

The VICE-PRESIDENT. The Chair announced that he would recognize the Senator from Pennsylvania [Mr. PENROSE] for that purpose.

Mr. PENROSE. I am content to have the Senator from Indiana make the motion—

Mr. BEVERIDGE. We had an understanding.

Mr. PENROSE. If I can get the result.

Mr. CARTER. I ask the Senator to yield to me for a moment.

Mr. BEVERIDGE. I withhold the motion for the moment.

Mr. CARTER. During a recent evening session I objected to the passage of a bill because it proposed to determine the heirs at law of a certain deceased person. The bill is very meritorious. I regret that necessity compelled me to check its passage at that time. It is the bill (H. R. 2926) for the relief of the heirs of John Smith. There are certain amendments which I desire to propose. I ask unanimous consent for its present consideration.

Mr. BEVERIDGE. If it will not cause any discussion, I will yield.

Mr. CARTER. The bill will lead to no discussion.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments proposed by the Senator from Montana will be stated.

The SECRETARY. On page 2, line 5, strike out the words "Charley J. Smith, Mary Ann Smith Carey, of 432 Backus street, Jackson, Mich., and Catherine Smith Schillings, of Valley City, N. Dak.," and insert in lieu thereof the words "the legal representatives of the estate of John Smith, deceased, late of the Soldiers' Home in Washington, D. C.;" in line 10, before the word "money," to strike out the word "said;" after the word "money," to strike out the word "so;" and at the end of the bill to strike out the words "and the use thereof" and insert "by said John Smith, deceased, during his lifetime;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of the estate of John Smith, deceased, late of the Soldiers' Home, in Washington, D. C., in equal proportions, the sum of \$1,998.50, in full for money deposited with said Home and officers thereof by said John Smith, deceased, during his lifetime.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CARTER. I move to strike out the preamble.

The motion was agreed to.

SAC AND FOX INDIAN CLAIMS.

Mr. WARNER. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 8533) to authorize the Court of Claims to hear, determine, and adjudicate the claims of the Sac and Fox Indians of the Mississippi in Iowa against the Sac and Fox Indians of the Mississippi in Oklahoma, and the United States, and for other purposes, to report it favorably without amendment, and I submit a report thereon. I call the attention of the junior Senator from Iowa to the bill.

Mr. DOLLIVER. I ask unanimous consent that the bill may be considered at this time.

Mr. BEVERIDGE. If there is to be no discussion upon it, I will agree to its consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY AND NAVY UNION OF THE UNITED STATES.

Mr. BULKELEY. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 31) recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America, to report it favorably with an amendment. It will lead to no discussion, and I ask for its immediate consideration.

Mr. BEVERIDGE. The Senator does not ask to have it considered now?

Mr. BULKELEY. The amendment is a substitute comprising only four lines, and it will lead to no discussion whatever.

Mr. KEAN. Let it be read.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate, if there be no objection.

The Secretary read the amendment, which was to strike out all after the enacting clause and insert:

That the distinctive badge adopted by the Army and Navy Union of the United States may be worn, in their own right, upon all public occasions of ceremony by officers and enlisted men of the Army and Navy of the United States who are members of said organization.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. SPOONER. I should like to hear the title read.

The VICE-PRESIDENT. The title will be read.

The SECRETARY. "A joint resolution recognizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America."

Mr. SPOONER. Is it organized under an act of Congress?

Mr. BULKELEY. I think so.

Mr. SPOONER. If Congress has anything to do with it it ought to read "legalizing" in lieu of "recognizing."

Mr. BULKELEY. I think the title should be changed.

On motion of Mr. SPOONER, the title was amended so as to read:

A joint resolution legalizing the change of name of the Regular Army and Navy Union of the United States to the Army and Navy Union of the United States of America.

SUPREME LODGE OF KNIGHTS OF PYTHIAS.

Mr. NELSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17212) to amend an act to incorporate the Supreme Lodge of the Knights of Pythias, to report it favorably without amendment.

Mr. HEMENWAY. I ask for the present consideration of the bill just reported by the Senator from Minnesota.

Mr. BEVERIDGE. If it requires any discussion I shall insist on my motion to proceed to the consideration of executive business.

Mr. HEMENWAY. It will not lead to discussion. It is the unanimous report of the committee.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMMIGRATION STATION AT NEW ORLEANS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to furnish a duplicate engrossed copy of the bill (S. 7247) to provide for the establishment of an immigration station at New Orleans, in the State of Louisiana, and the erection in said city, on a site to be

selected for said station, of a public building; and, on motion of Mr. LODGE, the request was ordered to be complied with.

HEZEKIAH DEZARN.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring). That the President be requested to return the bill (H. R. 830) entitled "An act granting an increase of pension to Hezekiah Dezarn."

TWIN CITY POWER COMPANY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8182) authorizing the Twin City Power Company to build two dams across the Savannah River above the city of Augusta, in the State of Georgia; which was to strike out all after the enacting clause and insert:

That the Twin City Power Company, a corporation organized under the laws of the State of South Carolina, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the Savannah River, at or near where Dortons Creek, in the county of Edgefield, State of South Carolina, empties into the Savannah River, and also a dam across the said river at or near the southern end of Prices Island, in said river, and about 5 miles from the mouth of Dortons Creek, in the State of South Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906: *Provided*, That one of said dams shall be completed within three years, and the other within five years from the passage of this act.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CLAY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

J. TENNANT STEEB.

The VICE-PRESIDENT laid before the Senate the amendment of the House to the amendment of the Senate to the bill (H. R. 1371) to refund to J. Tennant Steeb certain duties erroneously paid by him, without protest, on goods of domestic production shipped from the United States to Hawaii and thereafter returned; which was to strike out "thirty" and insert "thirty-six."

Mr. PILES. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 25190. An act to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906;

H. R. 25629. An act to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River;

H. R. 25672. An act to amend an act entitled "An act to authorize the Ox Bow Power Company, of South Dakota, to construct a dam across the Missouri River;" and

H. R. 25691. An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company.

H. R. 25513. An act extending the time for making final proof in certain desert-land entries, was read twice by its title, and referred to the Committee on Public Lands.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11279) to remove the charge of absence without leave from the military record of Oscar O. Bowen; and

A bill (H. R. 22210) to correct the military record of Homer Quick.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 223) relating to the holders of medals of honor, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 19932) for the relief of John Lavine, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Finance, to whom was referred the bill (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited), reported it without amendment.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 21944) relating to the entry and dispo-

sition of certain lands in the State of Nebraska, reported it without amendment, and submitted a report thereon.

EXECUTIVE SESSION.

Mr. BEVERIDGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 22, 1907, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1907.

COLLECTORS OF CUSTOMS.

William H. Lucas, of Florida, to be collector of customs for the district of St. Johns, in the State of Florida. (Reappointment.)

Peter Dippel, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York. (Reappointment.)

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be captains.

First Lieut. George W. Stuart, Seventh Infantry, from January 31, 1907, vice O'Neil, Twenty-fifth Infantry, promoted.

First Lieut. William T. Patten, Thirteenth Infantry, from February 1, 1907, vice Cabell, unassigned, detailed as quartermaster.

First Lieut. Duncan K. Major, jr., Fourteenth Infantry, from February 16, 1907, vice Keller, Twenty-seventh Infantry, resigned.

PROMOTIONS IN THE NAVY.

Commander Frank E. Sawyer to be a captain in the Navy from the 18th day of February, 1907, vice Capt. George H. Kearny, deceased.

Lieut. Commander Thomas Snowden to be a commander in the Navy from the 8th day of February, 1907, vice Commander Vincendon L. Cottman, promoted.

RECEIVER OF PUBLIC MONEY.

Harold Hurd, of Roswell, N. Mex., to be receiver of public moneys at Roswell, N. Mex., vice David L. Geyer, whose term will expire March 10, 1907.

REGISTERS OF LAND OFFICES.

Wesley F. Brittain, of Sheridan, Wyo., to be register of the land office at Buffalo, Wyo., vice Frederick W. Daniels, resigned.

M. H. Brennan, of Devils Lake, N. Dak., to be register of the land office at Devils Lake, N. Dak., vice Ole Serungard, term expired.

POSTMASTERS.

ARKANSAS.

Wells F. Smith to be postmaster at Hartford, in the county of Sebastian and State of Arkansas, in place of James M. Hill jr., removed.

CALIFORNIA.

Frank B. Mackinder to be postmaster at St. Helena, in the county of Napa and State of California, in place of Frank B. Mackinder. Incumbent's commission expired February 9, 1907.

CONNECTICUT.

William B. Bristol to be postmaster at Stratford, in the county of Fairfield and State of Connecticut, in place of William B. Bristol. Incumbent's commission expired February 13, 1907.

Leopold J. Curtis to be postmaster at Norfolk, in the county of Litchfield and State of Connecticut, in place of Leopold J. Curtis. Incumbent's commission expired February 4, 1907.

Charles C. Georgia to be postmaster at Unionville, in the county of Hartford and State of Connecticut, in place of Charles C. Georgia. Incumbent's commission expired February 11, 1907.

Charles N. Hatch to be postmaster at Bridgewater, in the county of Litchfield and State of Connecticut, in place of Charles N. Hatch. Incumbent's commission expired February 11, 1907.

Willis W. Mildrum to be postmaster at East Berlin, in the county of Hartford and State of Connecticut, in place of Willis W. Mildrum. Incumbent's commission expired January 26, 1907.

Edwin F. Tomlinson to be postmaster at Plainville, in the county of Hartford and State of Connecticut, in place of Edwin F. Tomlinson. Incumbent's commission expired January 19, 1907.

FLORIDA.

John M. Jolley to be postmaster at Daytona, in the county of Volusia and State of Florida, in place of John M. Jolley. Incumbent's commission expired February 7, 1907.

GEORGIA.

William E. Dunham to be postmaster at Cochran, in the county of Pulaski and State of Georgia, in place of Anna P. Grimsley, resigned.

IDAH0.

Burt Venable to be postmaster at Payette, in the county of Canyon and State of Idaho, in place of Burt Venable. Incumbent's commission expires February 26, 1907.

ILLINOIS.

John C. Beever to be postmaster at Coulterville, in the county of Randolph and State of Illinois, in place of Rufus East, deceased.

John W. Church to be postmaster at Marissa, in the county of St. Clair and State of Illinois, in place of John W. Church. Incumbent's commission expired January 23, 1907.

John Culbertson to be postmaster at Sumner, in the county of Lawrence and State of Illinois, in place of John Culbertson. Incumbent's commission expired May 21, 1906.

Lester B. Knickerbocker to be postmaster at Bradley, in the county of Kankakee and State of Illinois, in place of Lester B. Knickerbocker. Incumbent's commission expires March 11, 1907.

James McClintock to be postmaster at Hinsdale, in the county of Dupage and State of Illinois, in place of Welby B. Carleton, deceased.

Thomas H. Stokes to be postmaster at Lincoln, in the county of Logan and State of Illinois, in place of Lewis B. Davis. Incumbent's commission expires March 3, 1907.

INDIANA.

Alva M. Newcomer to be postmaster at Elwood, in the county of Madison and State of Indiana, in place of Weldon A. Finch, resigned.

INDIAN TERRITORY.

David C. Blossom to be postmaster at Atoka, District 23, Indian Territory, in place of David C. Blossom. Incumbent's commission expired February 12, 1907.

Samuel S. Cobb to be postmaster at Wagoner, District 7, Indian Territory, in place of Samuel S. Cobb. Incumbent's commission expired February 12, 1907.

Charles B. Ramsey to be postmaster at Davis, District 21, Indian Territory, in place of Charles B. Ramsey. Incumbent's commission expired February 12, 1907.

IOWA.

Albert J. Enbody to be postmaster at Dunlap, in the county of Harrison and State of Iowa, in place of Albert J. Enbody. Incumbent's commission expired February 11, 1907.

C. H. Mendenhall to be postmaster at Buxton, in the county of Monroe and State of Iowa, in place of William Morgan, resigned.

George W. Metcalf to be postmaster at Lansing, in the county of Allamakee and State of Iowa, in place of George W. Metcalf. Incumbent's commission expired February 9, 1907.

William N. Oursler to be postmaster at Odebolt, in the county of Sac and State of Iowa, in place of William N. Oursler. Incumbent's commission expired February 9, 1907.

Benjamin H. Tamplin to be postmaster at Hull, in the county of Sioux and State of Iowa, in place of Benjamin H. Tamplin. Incumbent's commission expired February 9, 1907.

KENTUCKY.

William H. Turner to be postmaster at Middlesboro, in the county of Bell and State of Kentucky, in place of George W. Albrecht. Incumbent's commission expires March 11, 1907.

KANSAS.

Fred Hazleton to be postmaster at Norton, in the county of Norton and State of Kansas, in place of Elhanan V. Peterson. Incumbent's commission expires February 28, 1907.

W. P. Heichert to be postmaster at Howard, in the county of Elk and State of Kansas, in place of Thomas E. Thompson. Incumbent's commission expired February 12, 1907.

Walter L. Stocking to be postmaster at Goff, in the county of Nemaha and State of Kansas. Office became Presidential January 1, 1907.

LOUISIANA.

Henry C. Edwards to be postmaster at Marksville, in the parish of Avoyelles and State of Louisiana, in place of Henry C. Edwards. Incumbent's commission expires February 26, 1907.

Charlton Fort to be postmaster at Minden, in the parish of Webster and State of Louisiana, in place of Edward E. Fitzgerald, resigned.

Bernard Isaacs to be postmaster at Gueydan, in the parish of Vermillion and State of Louisiana, in place of Bernard Isaacs. Incumbent's commission expires February 26, 1907.

MAINE.

Will I. Burrill to be postmaster at Corinna, in the county of Penobscot and State of Maine. Office became Presidential January 1, 1907.

MARYLAND.

Ulysses Hanna to be postmaster at Frostburg, in the county of Allegany and State of Maryland, in place of Ulysses Hanna. Incumbent's commission expired January 23, 1907.

William Pearre to be postmaster at Cumberland, in the county of Allegany and State of Maryland, in place of William Pearre. Incumbent's commission expires March 18, 1907.

MASSACHUSETTS.

Samuel R. Mosely to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts, in place of Samuel R. Mosely. Incumbent's commission expired January 22, 1907.

Charles L. Scranton to be postmaster at Oak Bluffs (late Cottage City), in the county of Dukes and State of Massachusetts, in place of Charles L. Scranton, to change name of office.

John W. Sproul to be postmaster at Abington, in the county of Plymouth and State of Massachusetts, in place of John W. Sproul. Incumbent's commission expired February 4, 1907.

William H. Twiss to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts, in place of William H. Twiss. Incumbent's commission expired February 11, 1907.

MICHIGAN.

Charles H. Bostick to be postmaster at Manton, in the county of Wexford and State of Michigan, in place of Victor F. Huntley. Incumbent's commission expired February 11, 1907.

Charles B. Collingwood to be postmaster at Agricultural College, in the county of Ingham and State of Michigan, in place of Charles B. Collingwood. Incumbent's commission expired April 1, 1906.

Roland Franklin to be postmaster at Clio, in the county of Genesee and State of Michigan, in place of Roland Franklin. Incumbent's commission expired February 7, 1907.

George W. Freese to be postmaster at Clinton, in the county of Lenawee and State of Michigan, in place of Herbert E. Lindsley. Incumbent's commission expired February 19, 1907.

Flora MacLachlan to be postmaster at Grand Marais, in the county of Alger and State of Michigan, in place of John F. Chisholm, resigned.

Archie R. McKinnon to be postmaster at Shelby, in the county of Oceana and State of Michigan, in place of Archie R. McKinnon. Incumbent's commission expired February 11, 1907.

Benjamin F. Oakes to be postmaster at East Tawas, in the county of Iosco and State of Michigan, in place of Benjamin F. Oakes. Incumbent's commission expired February 2, 1907.

Luther E. Sherman to be postmaster at Bessemer, in the county of Gogebic and State of Michigan, in place of Richard J. Bawden, removed.

MINNESOTA.

Samuel D. Dower to be postmaster at Wadena, in the county of Wadena and State of Minnesota, in place of Charles C. Eastman, removed.

George W. Kaupp to be postmaster at Blue Earth, in the county of Faribault and State of Minnesota, in place of George W. Buswell. Incumbent's commission expired April 5, 1906.

Albert E. Joslyn to be postmaster at Royalton, in the county of Morrison and State of Minnesota, in place of Albert W. Swanson, resigned.

Augustus Parish to be postmaster at Sandstone, in the county of Pine and State of Minnesota, in place of Angus Gunn. Incumbent's commission expires March 3, 1907.

Christian A. Rasmussen to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota, in place of Christian A. Rasmussen. Incumbent's commission expired February 4, 1907.

Emma C. Taylor to be postmaster at Chaska, in the county of Carver and State of Minnesota, in place of Emma C. Taylor. Incumbent's commission expires March 2, 1907.

Adolph J. Veigel to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota, in place of Clifford L. Benedict. Incumbent's commission expired December 10, 1906.

MISSISSIPPI.

Robert Burns to be postmaster at Brandon, in the county of Rankin and State of Mississippi. Office became Presidential January 1, 1907.

MISSOURI.

Thomas J. C. Fagg to be postmaster at Louisiana, in the county of Pike and State of Missouri, in place of Thomas J. C. Fagg. Incumbent's commission expires February 24, 1907.

Charles L. Harris to be postmaster at Harrisonville, in the county of Cass and State of Missouri, in place of Charles L. Harris. Incumbent's commission expired May 19, 1906.

Archie T. Hollenbeck to be postmaster at Westplains, in the county of Howell and State of Missouri, in place of Archie T. Hollenbeck. Incumbent's commission expired January 22, 1907.

Leo W. McDavitt to be postmaster at La Plata, in the county of Macon and State of Missouri, in place of Leo W. McDavitt. Incumbent's commission expired January 13, 1907.

David B. Ormiston to be postmaster at Linneus, in the county of Linn and State of Missouri, in place of David B. Ormiston. Incumbent's commission expired February 11, 1907.

James Tait, sr., to be postmaster at Polo, in the county of Caldwell and State of Missouri. Office became Presidential January 1, 1907.

NEBRASKA.

James N. Brooks to be postmaster at Rushville, in the county of Sheridan and State of Nebraska, in place of James N. Brooks. Incumbent's commission expired February 4, 1907.

Edward G. Hall to be postmaster at David City, in the county of Butler and State of Nebraska, in place of Edward G. Hall. Incumbent's commission expires March 19, 1907.

Lew E. Shelley to be postmaster at Fairbury, in the county of Jefferson and State of Nebraska, in place of Benjamin McLucas. Incumbent's commission expired February 13, 1907.

George W. Shreck to be postmaster at York, in the county of York and State of Nebraska, in place of Theron E. Sedgwick. Incumbent's commission expired April 10, 1906.

Chester H. Smith to be postmaster at Plattsmouth, in the county of Cass and State of Nebraska, in place of Chester H. Smith. Incumbent's commission expired June 12, 1906.

NEW JERSEY.

Walter Ball to be postmaster at Merchantville, in the county of Camden and State of New Jersey, in place of Maurice B. Rudderow, removed.

Joseph E. Fulper to be postmaster at Washington, in the county of Warren and State of New Jersey, in place of Oscar Jeffery. Incumbent's commission expires March 2, 1907.

Alfred M. Jones to be postmaster at Summit, in the county of Union and State of New Jersey, in place of Alfred M. Jones. Incumbent's commission expires March 13, 1907.

Frank D. Pedrick to be postmaster at Woodbury, in the county of Gloucester and State of New Jersey, in place of Charles Walton. Incumbent's commission expires February 26, 1907.

NEW YORK.

Charles B. Ball, to be postmaster at Montour Falls, in the county of Schuyler and State of New York, in place of Charles B. Ball. Incumbent's commission expires February 26, 1907.

George R. Cornwell to be postmaster at Penn Yan, in the county of Yates and State of New York, in place of George R. Cornwell. Incumbent's commission expired February 12, 1907.

George N. Deyoe to be postmaster at Johnstown, in the county of Fulton and State of New York, in place of Cyrus Durey. Incumbent's commission expired January 7, 1907.

John L. Kyne to be postmaster at East Syracuse, in the county of Onondaga and State of New York, in place of John L. Kyne. Incumbent's commission expired February 4, 1907.

Adolph Lienhardt to be postmaster at Stapleton, in the county of Richmond and State of New York, in place of Charles Schmeiser. Incumbent's commission expired February 4, 1907.

NORTH DAKOTA.

Roy P. Hubbard to be postmaster at Glen Ullin, in the county of Morton and State of North Dakota. Office became Presidential October 1, 1906.

Donald G. McIntosh to be postmaster at St. Thomas, in the county of Pembina and State of North Dakota, in place of Donald G. McIntosh. Incumbent's commission expired December 10, 1906.

Gustave B. Metzger to be postmaster at Williston, in the county of Williams and State of North Dakota, in place of Gustave B. Metzger. Incumbent's commission expired February 12, 1907.

OHIO.

Charles E. Albright to be postmaster at Eaton, in the county of Preble and State of Ohio, in place of John W. Ammerman. Incumbent's commission expired February 2, 1907.

C. W. Coe to be postmaster at Centerburg, in the county of Knox and State of Ohio, in place of Clayton H. Bishop. Incumbent's commission expired January 14, 1907.

Ezra L. Gill to be postmaster at Sunbury, in the county of Delaware and State of Ohio, in place of Ezra L. Gill. Incumbent's commission expired January 19, 1907.

Walter B. Johnson to be postmaster at Fredericktown, in the county of Knox and State of Ohio, in place of Walter B. Johnson. Incumbent's commission expired February 4, 1907.

Otis T. Locke to be postmaster at Tiffin, in the county of Seneca and State of Ohio, in place of Otis T. Locke. Incumbent's commission expires February 26, 1907.

William H. Surlles to be postmaster at East Liverpool, in the

county of Columbiana and State of Ohio, in place of William H. Surlis. Incumbent's commission expired February 4, 1907.

Cary A. Watts to be postmaster at Peebles, in the county of Adams and State of Ohio, in place of Edward L. Watts, resigned.

Henry B. Wisner to be postmaster at Berea, in the county of Cuyahoga and State of Ohio, in place of Henry B. Wisner. Incumbent's commission expired February 19, 1907.

OREGON.

John R. Casey to be postmaster at Ashland, in the county of Jackson and State of Oregon, in place of John R. Casey. Incumbent's commission expires March 18, 1907.

PENNSYLVANIA.

Samuel F. Booher to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania, in place of Frank A. Moesta. Incumbent's commission expires March 2, 1907.

Joseph H. Denning to be postmaster at St. Clair, in the county of Schuylkill and State of Pennsylvania, in place of Charles L. Ferree. Incumbent's commission expired January 26, 1907.

Samuel J. Evans to be postmaster at Slatington, in the county of Lehigh and State of Pennsylvania, in place of William W. Morgan. Incumbent's commission expired January 26, 1907.

Augustus M. High to be postmaster at Reading, in the county of Berks and State of Pennsylvania, in place of Augustus M. High. Incumbent's commission expires March 3, 1907.

William W. Kemble to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania, in place of William W. Kemble. Incumbent's commission expired February 19, 1907.

Joseph I. Latimer to be postmaster at New Bethlehem, in the county of Clarion and State of Pennsylvania, in place of Joseph I. Latimer. Incumbent's commission expires February 26, 1907.

William D. McHenry to be postmaster at Big Run, in the county of Jefferson and State of Pennsylvania. Office became Presidential January 1, 1907.

John S. Weaver to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania, in place of John S. Weaver. Incumbent's commission expires March 2, 1907.

Alfred E. Williams to be postmaster at Plymouth, in the county of Luzerne and State of Pennsylvania, in place of Alfred E. Williams. Incumbent's commission expires March 2, 1907.

William W. Wren to be postmaster at Boyertown, in the county of Berks and State of Pennsylvania, in place of William W. Wren. Incumbent's commission expired February 19, 1907.

RHODE ISLAND.

James E. Bowen to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in place of James E. Bowen. Incumbent's commission expires February 28, 1907.

James T. Caswell to be postmaster at Narragansett Pier, in the county of Washington and State of Rhode Island, in place of James T. Caswell. Incumbent's commission expired February 11, 1907.

SOUTH CAROLINA.

Susan E. Morton to be postmaster at Due West, in the county of Abbeville and State of South Carolina. Office became Presidential January 1, 1907.

Landrum Padgett to be postmaster at Pelzer, in the county of Anderson and State of South Carolina, in place of Landrum Padgett. Incumbent's commission expires March 18, 1907.

Alonzo D. Webster to be postmaster at Orangeburg, in the county of Orangeburg and State of South Carolina, in place of Alonzo D. Webster. Incumbent's commission expired February 12, 1907.

Dalton A. Brosius to be postmaster at Vermilion, in the county of Clay and State of South Dakota, in place of Dalton A. Brosius. Incumbent's commission expired June 25, 1906.

Thomas A. Crisman to be postmaster at Redfield, in the county of Spink and State of South Dakota, in place of Frank S. Myers. Incumbent's commission expired June 30, 1906.

William T. Dale to be postmaster at Mellette, in the county of Spink and State of South Dakota. Office became Presidential January 1, 1907.

William W. Downie to be postmaster at Milbank, in the county of Grant and State of South Dakota, in place of William W. Downie. Incumbent's commission expired February 19, 1907.

George Reed to be postmaster at Arlington, in the county of Kingsbury and State of South Dakota, in place of George Reed. Incumbent's commission expired January 20, 1906.

Frank E. Saltmarsh to be postmaster at Miller, in the county of Hand and State of South Dakota, in place of John A. Bushfield. Incumbent's commission expired January 13, 1907.

Delbert W. Wilmarth to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota, in place of Delbert W. Wilmarth. Incumbent's commission expired May 21, 1906.

TEXAS.

J. D. Anderson to be postmaster at Miles Station, in the county of Runnels and State of Texas. Office became Presidential January 1, 1906.

Francis M. Barton to be postmaster at Terrell, in the county of Kaufman and State of Texas, in place of Francis M. Barton. Incumbent's commission expired June 27, 1906.

Charles W. Burr to be postmaster at Eagle Pass, in the county of Maverick and State of Texas, in place of Erwin W. Owen. Incumbent's commission expires February 28, 1907.

W. H. Hoffman to be postmaster at Waco, in the county of McLennan and State of Texas, in place of William A. Stoner. Incumbent's commission expired February 18, 1907.

Evert Johnson to be postmaster at Jacksboro, in the county of Jack and State of Texas, in place of Jeannette D. McConnell. Incumbent's commission expired January 23, 1904.

Allen Mills to be postmaster at Jewett, in the county of Leon and State of Texas. Office became Presidential January 1, 1907.

VERMONT.

Stanley R. Bryant to be postmaster at Windsor, in the county of Windsor and State of Vermont, in place of Stanley R. Bryant. Incumbent's commission expired February 12, 1907.

B. J. Derby to be postmaster at Burlington, in the county of Chittenden and State of Vermont, in place of B. J. Derby. Incumbent's commission expires March 2, 1907.

L. D. Hazen to be postmaster at St. Johnsbury, in the county of Caledonia and State of Vermont, in place of L. D. Hazen. Incumbent's commission expired February 19, 1907.

WASHINGTON.

Dan W. Bush to be postmaster at Chehalis, in the county of Lewis and State of Washington, in place of Dan W. Bush. Incumbent's commission expired February 2, 1907.

WYOMING.

Cameron W. Garbutt to be postmaster at Sheridan, in the county of Sheridan and State of Wyoming, in place of William F. Brittain, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1907.

MARSHAL.

Charles K. Darling, of Massachusetts, to be United States marshal for the district of Massachusetts.

REGISTERS OF THE LAND OFFICE.

Wesley F. Brittain, of Sheridan, to be register of the land office at Buffalo, in the State of Wyoming.

William W. Wood, of Rushville, Nebr., to be register of the land office at Alliance, Nebr.

PROMOTIONS IN THE NAVY.

Asst. Surg. Harry Shaw to be a passed assistant surgeon in the Navy from the 28th day of October, 1906, upon the completion of three years' service.

Asst. Surg. Burt F. Jenness to be a passed assistant surgeon in the Navy from the 11th day of November, 1906, upon the completion of three years' service.

POSTMASTERS.

CALIFORNIA.

W. H. Edwards to be postmaster at Vacaville, in the county of Solano and State of California.

HAWAII.

Frank Crawford to be postmaster at Lihue, in the county of Kauai and Territory of Hawaii.

NEW YORK.

Horace L. Burrill to be postmaster at Weedsport, in the county of Cayuga and State of New York.

David G. Montross to be postmaster at Peekskill, in the county of Westchester and State of New York.

George P. Nickels to be postmaster at Rye, in the county of Westchester and State of New York.

OHIO.

Edmund F. Moore to be postmaster at Lisbon, in the county of Columbiana and State of Ohio.

Tanner R. Snowden to be postmaster at Wellsville, in the county of Columbiana and State of Ohio.

PENNSYLVANIA.

Samuel J. Evans to be postmaster at Slatington, in the county of Lehigh and State of Pennsylvania.

Allen C. W. Mathues to be postmaster at Media, in the county of Delaware and State of Pennsylvania.

Nathaniel B. Miller to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania.

James H. Wells to be postmaster at Wilcox, in the county of Elk and State of Pennsylvania.

G. Clinton Williams to be postmaster at Spring City, in the county of Chester and State of Pennsylvania.

TEXAS.

Edward Blanchard to be postmaster at San Angelo, in the county of Tom Green and State of Texas.

George W. Burkitt, jr., to be postmaster at Palestine, in the county of Anderson and State of Texas.

J. J. Cypert to be postmaster at Hillsboro, in the county of Hill and State of Texas.

Harry Harris to be postmaster at Gatesville, in the county of Coryell and State of Texas.

W. H. Ingerton to be postmaster at Amarillo, in the county of Potter and State of Texas.

Johnnie J. Kelly to be postmaster at Eastland, in the county of Eastland and State of Texas.

J. A. Smith to be postmaster at El Paso, in the county of El Paso and State of Texas.

WYOMING.

Cameron W. Garbutt to be postmaster at Sheridan, in the State of Wyoming.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 21, 1907.

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

UNALLOTTED LANDS IN ROSEBUD RESERVATION.

The SPEAKER laid before the House the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, with Senate amendments.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments and ask for a conference.

Mr. WILLIAMS. What are the amendments?

Mr. SHERMAN. There are two main amendments. One is changing the rate of interest the United States is to pay on the fund which is to be put into the Treasury. The House fixes the rate of interest on such fund at 3 per cent. The Senate changed it to 5 per cent.

The other provision is an appropriation for \$15,000, which should be made reimbursable, but the Senate did not make it so.

The SPEAKER. Does the gentleman from New York offer an amendment?

Mr. SHERMAN. No; I ask unanimous consent to nonconcur and go to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to nonconcur in the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. BURKE of South Dakota, and Mr. STEPHENS of Texas.

HEZEKIAH DEZARN.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill H. R. 830, entitled "An act granting an increase of pension to Hezekiah Dezarn."

The resolution was agreed to.

MAKING FINAL PROOF IN DESERT-LAND ENTRIES.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25513) extending the time for making final proof in certain desert-land entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all desert-land entrymen, under the Benton Water Company's canal, in Benton County, State of Washington, who would be required under existing law to make final proof during the year 1907, are hereby given an additional year in which to make such final proof.

The Clerk read the following amendment recommended by the committee:

Add at the end of the bill the following:

"Provided, That each entryman claiming the benefits of this act shall, within ninety days after its passage and approval, file in the local land office of the district in which the lands embraced in his entry are located an affidavit describing his lands and stating that he expects to irrigate the same with water from the canal of said company."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LOBBYING AT NATIONAL CAPITOL.

Mr. LAMAR. Mr. Speaker, on the 12th day of February I introduced the bill H. R. 25617, a bill to prohibit lobbying at the National Capitol. I think the terms of the bill are more comprehensive than I intended; that they include a class or classes that I did not intend to include. The bill was almost literally from the Georgia statute and aimed at railway lobbying at the Georgia State capitol. It was my intent that the bill should effect that object here. If it is a proper parliamentary procedure, I should like, by unanimous consent, to withdraw the bill from the files of the House. If that is not correct, I would like to ask that the Committee on the Judiciary be discharged from the consideration of the bill and that the bill lie on the table. I will then reintroduce it.

The SPEAKER. The gentleman from Florida asks unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill indicated and that the same do lie on the table.

Mr. GARRETT. Is it the desire of the gentleman from Florida simply to confine the provision of the bill against lobbying railroad companies?

Mr. LAMAR. It is. I will read the amendment.

Mr. MANN. Mr. Speaker, this does not seem to me to be a matter for debate.

The SPEAKER. Well, the gentleman asked unanimous consent, and, as usual, there is a little play to see whether he is going to get it or not. [Laughter.]

Mr. LAMAR. I will make the bill express what I intended in the first instance, and that is a bill to prohibit lobbying at the National Capitol in behalf of railroads or railway companies engaged in interstate commerce.

Mr. GARRETT. Why not forbid lobbying in regard to other things?

Mr. LAMAR. I am introducing my own bill. I haven't the slightest objection to the gentleman introducing one.

Mr. GARRETT. But the gentleman introduced his own bill in the first instance.

Mr. LAMAR. I am asking to withdraw my own bill and substitute that which I intended and desired.

Mr. GARRETT. Well, it is a personal matter, and I do not object.

The SPEAKER. If the Chair understands the request of the gentleman from Florida, it is to discharge the Committee on the Judiciary from the further consideration of the bill indicated and that the bill do lie on the table. Is that correct?

Mr. LAMAR. That is correct.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAMAR. Now I will reintroduce the bill as amended.

The SPEAKER. That will have to be done through the box.

BRIDGE ACROSS MONONGAHELA RIVER AT PITTSBURG, PA.

Mr. BARCHFELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25691) to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Liberty Bridge Company, a corporation created and organized under the laws of the State of Pennsylvania, its successors and assigns, be, and it is hereby, authorized to construct and maintain a bridge and approaches thereto over the Monongahela River, in the State of Pennsylvania, from a point of intersection by the center line of South Third street, in the city of Pittsburgh, projected to and intersecting the United States harbor line at the south shore of said river, thence by a right line coincident with the center line of said street and being the proposed center line of said bridge, to a point of intersection with the United States harbor line at the north shore of said river.

Sec. 2. That said bridge shall be constructed for the passage of railway trains and for the use of the public as a highway bridge for vehicle and foot passengers, and shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the

troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads leading to the said bridge, and shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph and telephone purposes: *Provided*, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges in the passage of railroad trains over the same and the approaches thereto, and foot passengers and vehicles shall have the right of passage over said bridge, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies or others, or any one of them desiring such use, shall fail to agree upon the sum or sums to be paid and upon the rules and conditions to which each shall conform in the use of said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 3. That said bridge shall be so built and located that navigation under it shall be reasonably free, easy, and unobstructed, and to secure this condition of navigation the company building the said bridge shall submit to the Secretary of War and the Chief of Engineers for their examination and approval a design and drawing of the bridge and a map of the location thereof, showing sufficient soundings to fully develop the river bed for one-quarter mile above and the same distance below the bridge, and until the said plan and location are approved by the Secretary of War and the Chief of Engineers the said bridge shall not be commenced or built, and no changes shall be made in approved plan of said bridge during the progress of construction, or after completion, unless plans showing such change shall have previously been submitted to and received the approval of the Secretary of War and the Chief of Engineers; and the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may direct in order the more effectually to render navigation through or under it reasonably free, easy, and unobstructed; and the said company, its successors and assigns, shall cause to be displayed on said bridge between the hours of sunset and sunrise, and at other times, such lights and other signals as may be prescribed by the Light-House Board.

SEC. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within two years from the date of the approval of this act.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendments:

Strike out all of section 1, after the word "River," in line 7, page 1, and insert the following:
"in accordance with the provisions of the act of Congress approved March 23, 1906, entitled 'An act to regulate the construction of bridges over navigable waters.'"

Strike out all of sections 2 and 3.

Renumber sections 3 and 4 to sections 2 and 3.

Mr. BARCHFELD. Mr. Speaker, I offer the following additional amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Page 4, line 10, strike out the word "two" and insert the word "three"; so it will read: "and completed within three years from the date of the approval of this act."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time; read the third time, and passed.

On motion of Mr. BARCHFELD, a motion to reconsider the last vote was laid on the table.

DISPOSITION OF MINERAL LANDS, NEW MEXICO.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 415, as amended, which I send to the desk and ask to have read:

The Clerk read as follows:

House resolution 415.

Whereas on the 16th day of April, 1906, W. H. ANDREWS, Delegate to Congress from New Mexico, presented a petition to Congress signed by G. Hauser, H. R. Taylor, and 28 other citizens of said Territory, which petition is as follows, namely:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, your petitioners, respectfully represent

That for many years last past the lands comprised in townships 10 north, range 11 west, and 11 north, range 12 west, New Mexico principal meridian, have been commonly known to contain large deposits of copper ores.

That said lands are within the area granted to the Atlantic and Pacific (now Santa Fe) Railroad Company; that the act of Congress granting said lands to said railroad company excluded and excepted from the terms of the transfer all mineral land, should any such be found to exist, excepting coal and iron.

That some fifteen years ago the railroad company sold a large tract of their lands in the vicinity of the aforesaid townships to Mitchell Brothers; that Mr. Spaulding, father-in-law of Mr. Mitchell, made an examination of the tracts of land to be purchased, and refused to advise the Mitchells to purchase the aforesaid townships, giving as a reason, as he stated on several occasions, that said townships contained copper in such quantities that the lands could not be held under the railroad grant; that at such time no patent had been issued to the railroad company for the lands in said townships; that mining and prospecting and the location of claims has been going on in said townships for many years, and about the year 1900 a large number of min-

ing claims were located in the aforesaid townships and mining has been actively prosecuted ever since.

That about the year 1902 a patent was issued conveying to the Santa Fe Railroad Company all odd-numbered sections of land in said townships; that said patent by its terms and its words excluded and excepted from the terms of the transfer all mineral lands, should any such be found to exist, except coal and iron.

That during the past year the Santa Fe Railroad Company, through its agents, has filed upon or pretended to file upon a number of legal subdivisions of the even-numbered sections of land in said townships, by virtue of forest lien selections.

That the agents of the railway company who went out to post the notices of such selections on said lands in said townships misrepresented their mission by stating to several miners and prospectors that said agents were going into another neighborhood to look at some timber lands; that the notices of the selection of said lands were posted, if posted at all, in out-of-the-way places very near the ground, where it was only by accident that said notices were discovered at all.

That as the situation now is, those who have located mining claims on the public domain of the United States, and spent a number of years developing same, will now be compelled to yield up their property to the Santa Fe Railroad Company, or spend a great deal of time and money contesting in order to establish their legal rights.

Believing that when persons in good faith locate on the public domain their rights should be protected by the Government, we respectfully petition:

I.

That an examination of the lands in townships 10 north, range 11 west, and 11 north, range 12 west, New Mexico principal meridian, be made under authority of and at the expense of the Government; that after a full hearing such of said lands as are found to contain mineral be withdrawn from the grant to the railroad company and any patent covering such lands canceled, same having been issued either through mistake as to the character of said lands or procured by fraud and misrepresentation as to the character of the land.

II.

That the laws requiring notices of selections of public lands be so amended as to require such notice to be posted on a board designated therefor at the post-office nearest the land so selected.

III.

That such other legislation be enacted as will make it forever impossible for any person, firm, or corporation to ever procure title to large areas of mineral lands in defiance of the rights of the real discoverers and of the actual settlers in said tract.

Respectfully,

G. HAUSER,
H. R. TAYLOR,
(And 28 others).

Therefore, be it

Resolved, That the Secretary of the Interior is hereby respectfully directed to advise the House of Representatives of the United States what, if any, disposition has been made of the lands comprised in townships 10 north, range 11 west, and 11 north, range 12 west, New Mexico principal meridian.

Second. And whether any of said lands contain deposits of copper or any other minerals except coal and iron, and whether any mining or prospecting had been done on said lands or any location of mining claims made thereon prior to 1902, when patents were issued to the Santa Fe Railway Company for the odd-numbered sections in said townships.

Third. And also whether said railroad company has, for either itself, its agents, or any assignee of any of its lien forest-reserve land scrip, filed such scrip on any of the even-numbered sections of land in said townships; and if so, by whom and when were such filings made, and were they made on any mineral lands on which mining locations were previously made.

With the following amendments:

In line 2 strike out the word "advise" and insert the word "inform."

In line 3, after the word "States," insert the words "if not inconsistent with the public interests."

In line 12, after the word "patents," strike out the word "were" and insert "are alleged to have been."

In line 4, page 3, after the word "any," insert the words "of said;" so that it will read "any of said mineral lands."

Strike out the preamble.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have some explanation of this resolution.

Mr. STEPHENS of Texas. Mr. Speaker, I will state that in the reservation known as the Atlantic and Pacific Railroad Reservation, in New Mexico, there were certain township lands that mining prospectors had been on before the railroad company had had its grant extended over those lands. These prospectors have expended quite a lot of money in developing mines on this property. It seems that the railroad and the miners are contesting as to whether it is mineral land, and the question is to ascertain from the Secretary of the Interior what reports have been made. We are asking for information as to what reports he has on file relative to this being mineral or nonmineral land.

Mr. PAYNE. This is only to obtain information?

Mr. STEPHENS of Texas. Information strictly, that is all. It comes from the Committee on Public Lands.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken; and the resolution was agreed to.

The SPEAKER. Without objection, the preamble will be stricken out.

There was no objection.

EXTENDING TIME FOR OX BOW POWER COMPANY TO CONSTRUCT DAM ACROSS MISSOURI RIVER.

Mr. DIXON of Montana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25672) to amend an act entitled "An act to authorize the Ox Bow Company, of South Dakota, to construct a dam across the Missouri River," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of chapter 1821 of the laws of 1894, approved April 28, 1904, is hereby amended to read as follows:

"Sec. 2. That this act shall be null and void unless the structures herein authorized shall be commenced within one year and completed within six years from the date of approval thereof."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

The title was amended.

TO RATIFY LEASE WITH SENECA INDIANS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 24125) to ratify a certain lease with the Seneca Nation of Indians, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That a lease bearing date September 21, 1906, between the Seneca Nation of Indians on the Cattaraugus and Allegany reservations, in the State of New York, and Charles M. L. Ashby, of Boston, Mass., is hereby ratified and confirmed.

With the following amendments:

In lines 6 and 7 strike out the words "Boston, Mass." and insert the words "Erie County, N. Y." in lieu thereof.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have some explanation regarding this bill.

Mr. SHERMAN. Mr. Speaker, this is a bill to ratify a lease made by the Seneca Nation of Indians to the man named therein, to be used mainly for the purpose of taking sand from that portion of the reservation which is not allotted, that portion of the reservation which is called "common." The lease is made by the council of the nation in regular assembly, and its ratification is desired by the nation.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman a question. Has this resolution been favorably reported by the committee?

Mr. SHERMAN. The committee has reported it unanimously; and there is provision in the lease, of course, for compensation, \$5 per acre for every acre used, plus 10 cents per yard for every yard of sand which is carried away from the reservation, plus 8 per cent in the net profits of the transaction.

Mr. SULZER. Then, as I understand the gentleman, this lease only refers to sand, not to oil or anything of that kind?

Mr. SHERMAN. It might refer to other things. The lease says "to enter thereon, dig thereon, excavate thereon, work thereon, and remove therefrom such sand, metal, or mineral products as he or they may see fit or not, etc." but the expectation is, I understand, to remove sand. That is the prime object of the lease. There may be some others, but the lease provides that if other materials are found there is an additional royalty to be paid to the Indians thereon.

Mr. SULZER. I think this resolution ought to specify sand and no other mineral.

Mr. SHERMAN. The resolution is simply to confirm the lease. The lease is made by the Indians. Here is the original lease. Now, this is a proposition to confirm the lease; that is all this resolution is.

Mr. STEPHENS of Texas. If the gentleman will permit me to ask this question, I think we may get at an explanation. I believe the Indian agent has agreed to this under the direction of the Commissioner of Indian Affairs.

Mr. SHERMAN. The lease was made subject to the knowledge of the Indian Office, but these lands are not like ordinary Indian lands where the Department has the right to pass upon a lease to approve or disapprove of it. This is not land the title to which was in the United States. It is a peculiar situation, that the old colony of Massachusetts owned the land and it came into the possession of these Indian tribes, so that the Attorney-General has held that the Department has no right to act upon a lease as it has in other cases.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman from New York if any oil or iron or other minerals have been found on this land of the Seneca Indians in the State of New York?

Mr. SHERMAN. Why, I think oil has been found on them. I do not know whether any other substance has been or not.

Mr. SULZER. Is not the real object of this resolution to get the oil and not the sand?

Mr. SHERMAN. I understand not. I understand this lease is not made for the purpose of procuring oil. I got that statement from the gentleman from New York [Mr. ALEXANDER], who is not now in the Hall and who is the introducer of the bill.

Mr. SULZER. When was this resolution favorably reported unanimously from your committee?

Mr. SHERMAN. January last—a few weeks ago.

Mr. SULZER. Mr. Speaker, I am in some doubt about this matter, and would like to have it go over for the present, so that I can investigate the subject.

The SPEAKER. The gentleman from New York objects.

PROHIBITING SHANGHAING IN THE UNITED STATES.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25190) to amend sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That sections 1, 2, and 3 of an act entitled "An act to prohibit shanghaiing in the United States," approved June 28, 1906, be amended so as to read as follows:

"Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in any wise enter into any agreement to go on board of any such vessel to perform service or labor thereon, or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof or to enter into any agreement to go on board thereof by any means herein defined, or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Sec. 2. That sections 1, 2, and 3 of the act hereby amended are repealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

U. S. S. LOUISIANA.

Mr. FOSS. Mr. Speaker, I submit a privileged report on House resolution 833, a resolution of inquiry, and I call for the reading of the resolution and the report.

The SPEAKER. Does the gentleman report the resolution now?

Mr. FOSS. Yes.

The SPEAKER. The gentleman from Illinois presents the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the House of Representatives of the nature, character, and extent of the work now being done upon the U. S. S. Louisiana at the navy-yard, New York; whether such work was originally required to be done by the contractors under the contract for the construction of said vessel; the estimated cost of said work; the amount, if any, deducted from the contract price and not paid to the contractors by reason of the said work not being done by them; the time that has elapsed since said work was begun and the additional time that will be required to complete said work; and the reasons for stating in the "Report of Progress of Naval Vessels," dated June 11, 1906, that the said U. S. S. Louisiana, as reported by the Navy Department, was 100 per cent completed.

Also the following report from the Committee on Naval Affairs was read:

The Committee on Naval Affairs, to whom was referred House resolution No. 833, after a careful consideration beg to favorably report the same with the following amendments:

In line 2, after the word "directed," insert "if not incompatible with the public interest."

In line 3, after the word "work," insert the words "if any."

In line 7, after the word "vessel," insert the words "if so, why the contractors did not perform said work."

In line 16, after the word "completed," insert "if in fact said vessel was not completed on said day."

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken; and the resolution as amended was agreed to.

DAM ACROSS MISSISSIPPI RIVER, MORRISON COUNTY, MINN.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8377) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a Senate bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 1 of an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, be, and the same is hereby, amended so as to read as follows:

"SECTION 1. That the consent of Congress is hereby granted to the Pike Rapids Power Company, a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessary incident thereto for water power and supply purposes at a point between sections 20, 29, and 32 in township 128 north, range 29 west of the fifth principal meridian, and sections 17 and 20, in township 39, range 32 west of the fourth principal meridian, in Morrison County, Minn.: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said Pike Rapids Power Company, its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modifications of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for the purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interests of navigation."

SEC. 2. That section 4 of said act above referred to be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved, and the same shall become null and void unless the construction of the dam hereby authorized is commenced within one year from June 1, 1907, and completed within three years thereafter."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, for the present I object.

PUBLIC LANDS FOR CEMETERY PURPOSES.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6229) to authorize the sale of public lands for cemetery purposes, together with certain committee amendments and one amendment which I offer.

The SPEAKER. The gentleman from Idaho asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to any municipal corporation, religious or fraternal association, or private corporation, empowered by the laws under which such corporation or association is organized or incorporated to hold real estate for cemetery purposes, not to exceed 40 acres of any unappropriated nonmineral public lands of the United States for cemetery purposes, upon the payment therefor by such corporation or association of the sum of not less than \$1.25 per acre.

Also the following amendments, recommended by the committee, were read:

In line 4 strike out the words "municipal corporations."

In line 8 strike out the word "forty" and insert the word "eighty."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he proposes to offer an amendment to the effect that the land shall revert to the United States in case it is not used?

Mr. FRENCH. The Clerk has my amendment to that effect; yes.

Mr. FINLEY. Mr. Speaker, reserving the right to object, I think this ought to be explained.

Mr. FRENCH. The bill is simply a general bill to obviate the necessity of passing numerous special bills granting a little tract of land to some church or some fraternal organization for cemetery purposes. The words "municipal organizations" the committee recommended should be stricken from the bill, because there is already a general law covering that. The bill simply extends this privilege to fraternal, charitable, and religious organizations, and organizations for cemetery purposes. I have also offered an amendment that a good many seem to think should be offered, providing that the land should revert to the United States should the same cease to be used for the purposes granted in the bill.

Mr. FINLEY. Now, as to the price.

Mr. FRENCH. Not less than \$1.25 an acre, or at \$1.25, I believe.

Mr. FINLEY. Is it intended to fix that sum as the standard price of lands to any and all such corporations?

Mr. FRENCH. At not less than \$1.25 per acre, and the definite amount rests with the Department.

Mr. WILLIAMS. I would like to ask the gentleman this question: This is land taken by religious and charitable associations, but as I understand to be taken by them solely for cemetery purposes.

Mr. FRENCH. It must be used exclusively for cemetery purposes, and the amendment I propose to offer provides that if it should cease to be used for cemetery purposes it shall revert to the Government.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, after the word "acre," in line 2, page 2, the following:

"*Provided*, That title to any land disposed of under the provisions of this act shall revert to the United States should the land cease to be used for the purpose herein provided."

Mr. FINLEY. Does the gentleman mean by that amendment all of the land or any part of it? Suppose this corporation should dispose of a part of the lands?

Mr. FRENCH. I would have no objection to saying "the land or any part thereof," if I may have the opportunity.

Mr. FINLEY. I think that should go in, at least.

Mr. LACEY. The difficulty of that, Mr. Speaker, I wish to call to the attention—

The SPEAKER. The Clerk will read the amendment as proposed to be amended.

The Clerk read as follows:

Provided, That title to any lands, or any part thereof, disposed of under the provisions of this act shall revert to the United States should the lands cease to be used for the purpose herein provided.

The SPEAKER. Is there objection?

Mr. LACEY. Mr. Speaker, I will object to that amendment in that form. That amendment would practically nullify the bill, because it is only 80 acres anyhow, and suppose there was some one buried on 40 acres, and no one buried on the other 40, then the other 40 would be forfeited.

Mr. FINLEY. Then, Mr. Speaker, I object to the bill.

The SPEAKER. Objection is heard.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ST. LOUIS, MO.

Mr. MURPHY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 25629) to repeal the act of February 27, 1901, granting authority to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, Ill., to build, own, operate, and maintain a bridge across the Mississippi River.

Be it enacted, etc., That the act approved February 27, 1901, entitled "An act amending an act entitled 'An act authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county,' approved March 3, A. D. 1897," granting consent to the East St. Louis and St. Louis Bridge and Construction Company, of the city of East St. Louis, of the county of St. Clair and State of Illinois, a corporation organized under the laws of the State of Illinois, its assigns, successor, grantees, mortgagees, representatives, and successors in interest, to build, own, operate, and maintain a bridge and approaches thereto, as hereinafter described, across the Mississippi River from some point between the north line of St. Clair County, Ill., and the southwest line of said county to the city of St. Louis, State of Missouri, be, and the same is hereby, repealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MURPHY, a motion to reconsider the vote by which the bill was passed was laid on the table.

REGISTRATION OF TRADE-MARKS.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 25474) to amend sections 5 and 6 of an act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same."

The Clerk proceeded to read the bill.

Mr. MANN. Mr. Speaker, to save time, for the present I shall object.

The SPEAKER. The gentleman from Illinois objects.

LEAVE TO EXTEND REMARKS.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD on the public schools of the District of Columbia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 25745)—the sundry civil appropriation bill; and, pending that motion, I ask unanimous consent that general debate may be closed at the conclusion of the statement of myself and the gentleman from Alabama [Mr. TAYLOR], not to exceed an hour.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Reserving the right to object—

Mr. BURKE of South Dakota. I would like the attention of the chairman of the committee. I desire to know if there would be given opportunity for debate on some of the questions that are in this bill. I refer particularly to the item that makes appropriation for the special service of the General Land Office.

Mr. TAWNEY. I would say to the gentleman from South Dakota that one reason why general debate is not extended or asked for any greater length of time is in view of that suggestion, that there are a number of items in the bill that will necessarily provoke a great deal of discussion under the five-minute rule. There will be no disposition on the part of myself to unreasonably curtail debate when those several items are reached in the reading of the bill. Another reason, Mr. Speaker, for making this request is that it is getting somewhat late in the session, the bill is a very large one, covering 200 pages, the reading of it will require a great deal of time, and we ought to pass it and send it to the Senate just as soon as we possibly can. It is for that reason, Mr. Speaker, that I ask unanimous consent that general debate may be closed with the statement of myself and the gentleman from Alabama [Mr. TAYLOR], which statements shall not exceed one hour.

Mr. TAYLOR of Alabama. Mr. Speaker, I am perfectly willing to give that unanimous consent so far as I am individually concerned; but since the chairman of the committee rose I have had several requests for time. Consulting only my personal feelings, individually, I would be perfectly willing, but there are matters that gentlemen on this side wish to discuss.

Mr. TAWNEY. I think I know the items in the bill which the gentlemen wish to discuss who have requested time from the gentleman from Alabama. They can have ample opportunity for discussion when those items are reached in the bill. I have in mind what the gentleman refers to, something in connection with St. Elizabeth's Hospital.

Mr. TAYLOR of Alabama. I wish that time should be allowed on that proposition. The gentleman from Florida desires to discuss the report of the investigation of the Insane Asylum. I have requests from one or two on this side who desire to discuss that proposition.

Mr. TAWNEY. Well, the gentleman from Alabama and other gentlemen can readily see that if time is given on one side for the discussion of that question it will necessarily require a like amount of time on this side. We will then get into a discussion between the minority and the majority members of the special committee appointed for the purpose of investigating the administration of St. Elizabeth's Hospital, and I hope the gentleman will not object to my request.

Mr. TAYLOR of Alabama. Individually, I have no objection.

Mr. KEIFER. I have no objection to the question raised by the chairman of the Committee on Appropriations, but I wish to say that there are one or two important matters contained in the bill on which a liberal time for debate ought to be allowed, the time to be occupied to be pertinent to the question, as there are two or three matters proposed to be omitted from the bill for the first time in the history of this country.

Mr. PRINCE. The gentleman from Ohio has asked the question that I desired to ask, whether there would be given a liberal time under the five-minute rule for the discussion of those questions.

Mr. TAWNEY. I have already stated that there will be no attempt on my part to curtail the time for discussion pertinent to the subject under the five-minute rule.

Mr. SULZER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CLARK] have half an hour.

Mr. TAWNEY. I can not consent to that.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. CLARK of Florida and Mr. SULZER. I object.

Mr. CLARK of Missouri. Mr. Speaker—

The SPEAKER. Does the gentleman from Missouri object?

Mr. CLARK of Missouri. I will unless I can get a reply from the chairman of the committee. I have no doubt but what you

would carry out what you say in perfect good faith so far as you are concerned; but there are 385 other members, and any one of them can cut off any man from further debate after five minutes by objecting.

Mr. TAWNEY. I want to make the further statement: This bill—

Mr. SULZER. Mr. Speaker, I will object unless the gentleman from Minnesota agrees that the gentleman from Florida [Mr. CLARK] shall have half an hour.

The SPEAKER. Objection is made.

Mr. TAWNEY. I give notice, Mr. Speaker, that upon going into the Committee of the Whole, after the statement, I shall move to rise and return to the House for the purpose of closing general debate.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

The question was taken; and the motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 25745—the sundry civil appropriation bill—with Mr. WATSON in the chair.

Mr. TAWNEY. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. SULZER. I object, unless the gentleman from Minnesota gives the gentleman from Florida half an hour. [Applause on the Democratic side.]

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. SULZER. I object.

The CHAIRMAN. The Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. WILLIAMS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS. I will ask what page is the Clerk reading from?

The CHAIRMAN. Page 26.

Mr. WILLIAMS. I should like to have the Chair ask the Clerk if he is skipping at all in his reading?

Mr. TAWNEY. Regular order, Mr. Chairman.

Mr. WILLIAMS. Oh, I have the right to make this inquiry.

The CHAIRMAN. The Chair can not inform the gentleman from Mississippi about that. The presumption is that every officer of the House is performing his duty in accordance with the rules of the House, and all that the Chair can do is to direct the Clerk to be very careful in turning the pages, which the Chair has no doubt the Clerk has already done.

Mr. WILLIAMS. I asked the question for the reason that I have just been informed by a Member of the House—a Republican—that the Clerk did skip about a page. I did not notice it myself, but I should like to have the Chair tell the Clerk that it is not in order to skip in the reading.

The CHAIRMAN. The Chair has already instructed the Clerk.

The Clerk proceeded with the reading of the bill.

Mr. TAWNEY. I now renew my request that the further first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. WILLIAMS. Mr. Chairman, when the request was made before there was objection made by a Member of the House who is not now in his seat.

Mr. CLARK of Florida. I object.

The CHAIRMAN. Objection is made. The Clerk will read. The Clerk proceeded with the reading of the bill.

Mr. GRIGGS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GRIGGS. I rise to ask unanimous consent to suspend the further reading of the bill and give the gentleman from Florida [Mr. CLARK] thirty minutes to address the committee.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the further first reading of the bill be dispensed with and that the gentleman from Florida [Mr. CLARK] be permitted to speak on the bill for a period of thirty minutes. Is there objection?

Mr. TAWNEY. I object.

Mr. SULZER. You take the responsibility. [Laughter.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURKE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, an-

nounced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 24991. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had passed without amendment bill (H. R. 14464) for the relief of Wiley Corbett.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio. Mr. Speaker, I note that the river and harbor bill has just been reported from the Senate. I ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the House nonconcur in the Senate amendments and ask for a conference on the river and harbor bill. Is there objection?

Mr. MANN. Mr. Speaker, is that in order when the committee rises informally?

The SPEAKER pro tempore. By unanimous consent, only. Is there objection?

There was no objection.

The SPEAKER pro tempore. If there be no objection, the Chair will appoint the conferees.

There was no objection.

The SPEAKER pro tempore appointed as conferees on the part of the House on the river and harbor bill Mr. BURTON of Ohio, Mr. DOVENER, and Mr. BANKHEAD.

SUNDY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SULZER (when the Clerk had reached page 116 of the bill). Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. I ask unanimous consent that the further reading of the bill be dispensed with, and that the gentleman from Florida [Mr. CLARK] have thirty minutes to address the committee.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the further reading of the bill be dispensed with, and that the gentleman from Florida [Mr. CLARK] have thirty minutes to address the committee. Is there objection?

Mr. TAWNEY. I object.

The Clerk proceeded and finished the reading of the bill.

Mr. TAWNEY. Mr. Chairman, in submitting the sundry civil appropriation bill to the House for its consideration and passage I feel that it is my duty to call attention to some facts which tend to indicate the probable aggregate appropriation which will be made at this session of Congress. I do this in the hope that from now until the close of the session each individual Member may feel and realize the necessity of exercising the utmost care in the discharge of his duty as a Representative in respect to appropriations, and also for the purpose of preventing—what is now threatened—a larger aggregate of appropriations at this session of Congress than at any previous session in the history of the Government.

The responsibility for the appropriations which are passed by Congress does not rest upon the Committee on Appropriations alone. Our responsibility in this respect is an individual as well as a collective responsibility. Nor is it a party responsibility, for in respect to the appropriation of money by Congress for the expenditures of the Government there can be but one policy regardless of which political party is in control of Congress or in control of the Government, and that policy is the policy of economical expenditure of the public funds which should at all times obtain. Therefore, the representatives of both parties, whichever may be in control, should so act as not to make unnecessary appropriations or enlarge necessary appropriations beyond reasonable demands of the public service.

It is not possible at this time in the closing hours of the session to forecast with accuracy the total aggregate appropriations for the fiscal year 1908. We have, however, sufficient information to enable us to predict with some certainty that unless proposed increases in appropriations are not checked this session of Congress will, in the aggregate amount appropriated, exceed the aggregate appropriations of any previous session. The facts upon which this statement is based are presented, as I have before said, in the hope that both branches of Congress, as well as the conference committees of the two Houses now considering appropriation bills, may scrutinize more closely the necessities of the public service and the necessity of appropriating for specific objects than has been done thus far during this session.

I do this, Mr. Chairman, not in any spirit of criticism, but for the purpose of appealing to the membership of this House to aid in every way possible in keeping down the appropriations and to keep out of the appropriation bills unnecessary amounts, so that the record of this session at the end may not be what it now gives promise of being.

The Government of the United States is expending altogether too much money in performing functions that do not belong to it, in the doing of that which it does not devolve upon the Federal Government to do, but upon the States. Congress at this time is altogether too anxious to accept from the States the voluntary surrender of the exercise of rights reserved to the States and the exercise of which involves the expenditure of money. To this, more than to any other one thing, may be attributed the rapidly increasing demands upon the Federal Treasury and the increase in the aggregate of appropriations for civil expenses.

The total estimates for appropriations for all purposes for the fiscal year 1908, as submitted in the Book of Estimates at the beginning of this session, aggregate \$895,690,643.68. These regular estimates are exceeded in five of the annual supply bills which have passed the House, or have passed both Houses and are now in conference, by \$22,919,298.96. In addition to this the obligations created by legislation now pending between the two Houses in the river and harbor bill and the naval bill equal \$73,634,523. In addition to this we have supplemental estimates for the sundry civil expenses of the Government of \$13,000,000, making a total of \$1,005,244,468.64, which includes the amount of the annual estimates, or the permanent and annual appropriations, supplemental estimates, and obligations fixed by the river and harbor and naval bills, and by the supplemental sundry civil estimates. If we assume that the appropriations as finally passed will equal in the aggregate these estimates less 10 per cent, or if they carry only 90 per cent of the estimates, the amount appropriated would then be \$904,720,021.78, which would be more than has ever been appropriated at any session of Congress, in war or peace, since the beginning of our Government.

It is not possible at this time to estimate with certainty the revenues of the Government for the fiscal year 1908, for which we are now making these large appropriations; but taking the revenues of the current year and the increase in these revenues over the revenues of the last fiscal year, which were greater than ever before in any fiscal year, as a basis, it is fair to estimate that the revenues of the Government during the fiscal year 1908 will not greatly, if at all, exceed the sum of \$804,573,246. It will be seen, therefore, that if the several appropriation bills now under consideration are not materially reduced before they are finally passed, we must expect, and will have to take the consequences for, a deficit in our public expenditures, which deficit, under the estimates which I have made, may reach the sum of \$100,000,000.

It may be said that a part of these appropriations are reimbursable to the Treasury, notably the \$25,000,000 appropriation to carry on the work of constructing the isthmian canal. This I grant you, sir, is true, and to that extent this deficit would be reduced; but I want to call the attention of every Member of this House the fact that in the statement I have just made I have not included appropriations which must be made, or that have been made, during this session for which no estimates have been submitted, but which appropriations are required and made necessary by the terms of the legislation which we have enacted at this session or will enact before the close of the session. There are several other reimbursable items, and there may be some permanent appropriations which may not be drawn upon during the next fiscal year; but, Mr. Chairman, the amount of the reimbursable items for which we are now appropriating may be offset by the additional amounts made necessary to meet the obligations created by laws which we have enacted and for which no estimates have been submitted at this session of Congress.

I feel confident that I am not overdrawing the situation as it presents itself to both Houses of Congress to-day. In fact, I have eliminated many items which at the end of this session I fear will be found in some of the appropriation bills when they are approved by the Chief Executive. I therefore appeal to the patriotic sense of duty of every Member of this House to do what he can to aid in keeping down the aggregate of our appropriations to the extent that it is consistent with the best interests of the public service to do so.

In this connection I want to call attention to another fact. The aggregate amount carried by the regular annual appropriation bills coming from the Committee on Appropriation, namely, the District of Columbia appropriation bill, the fortifications, the legislative, the pension, and the sundry civil appropriation

bills, is \$228,330,021.00, as reported to the House. The regular estimates submitted to Congress at the beginning of the session for these various Departments and purposes, carried in these bills, was in the aggregate \$297,413,438.48. In other words, the bills as reported out of the Committee on Appropriations reduced the estimates \$9,083,416.74. The other eight regular annual appropriation bills, namely, the agricultural, Army, diplomatic and consular, Indian, Military Academy, naval, post-office, and river and harbor, as reported to the House from the committees having them in charge, carried appropriations aggregating \$434,634,340.02. The regular annual estimates for these bills as submitted to Congress at the beginning of the session aggregated \$448,390,825.28, or \$13,656,545.26 more than the amount the bills carried as they were reported to the House. So far as the House is concerned, in dealing with the estimates submitted to Congress, I maintain that we have a very creditable record. Most of the reductions, however, in the bills last named are on account of the large reduction in the naval appropriation bill and also a reduction in the Army appropriation bill, both of which bills notwithstanding carry very large authorizations for the expenditure of money, part of which must be met during the fiscal year 1908.

In conclusion, Mr. Chairman, let us hope that when the final record of this session is made up the appropriations will not aggregate the amount which present conditions indicate, and that they will be within the revenues of the Government.

In respect to the bill under consideration, the subcommittee has spent over four weeks in its consideration and in analyzing the estimates for the sundry civil expenses during the fiscal year 1908. The estimates submitted aggregate \$114,094,517. The bill carries \$103,872,540.63. This includes \$24,979,000 toward the construction of the Panama Canal and is reimbursable to the Treasury of the United States, so that the net amount carried which will be a charge against the revenues of the Government for the fiscal year 1908 aggregates \$78,993,540.23, which is very considerably less than the current sundry civil appropriation bill.

I shall not at this time occupy the time or attention of the House in discussing the details of the bill. The bill your committee has reported to the House we believe to be as free from objections as it is possible to make a bill of this magnitude. Your committee has given the utmost care and scrutiny to all of the estimates and the most careful consideration to every project proposed. The sundry civil bill, unlike all the other appropriation bills, except the river and harbor bill, is practically a new bill every year. It provides for new service, it provides for new projects, and therefore requires more time, more attention, more scrutiny in its consideration than does any of the great appropriation bills. We have provided amply, I think, for every branch of the public service, notwithstanding the fact that we have reduced the estimates and recommend far less than has been estimated for the sundry civil expenses during the next fiscal year.

Mr. Chairman, I do not care to occupy any more time, and I yield to my colleague on the committee, the gentleman from Alabama [Mr. TAYLOR], such time as he may desire for any personal statement he may wish to make, and reserve the balance of my time. [Applause.]

Mr. TAYLOR of Alabama rose.

The CHAIRMAN. The Chair will recognize the gentleman from Alabama.

Mr. SULZER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. I was going to ask for recognition. Nobody else seems to want to be recognized.

The CHAIRMAN. The gentleman from Alabama [Mr. TAYLOR] has been recognized by the Chair, and has the floor.

Mr. TAWNEY. Mr. Chairman, I yielded such time as the gentleman may desire for his personal explanation, and reserve the balance of the time.

The CHAIRMAN. The Chair so understood.

Mr. TAYLOR of Alabama. Mr. Chairman, I shall not attempt to review with the chairman of the committee the expenditures of this Congress nor the actions of other committees in charge of appropriations other than those of the Committee on Appropriations, of which I am a member. My remarks shall be confined entirely to this bill and appropriations for the sundry civil expenses of the Government for the current fiscal year. It will be found by an examination into the history of this particular bill that in 1887 practically \$23,000,000 was the amount of this bill. Ten years later, in 1897, \$33,000,000 was the amount of the bill, an increase of some 50 per cent in the ten years from 1887 until 1897. In the ten years from 1897 until now you will find that this bill to-day carries \$104,000,000, which is about three times as much, or 300 per cent increase in

the last ten years. This bill is purely a business bill. There is not a particle of politics in the bill which is now before the House that I can find. It was practically agreed upon unanimously by the subcommittee, after a most careful investigation into every item of which it is composed. There were differences among us, but those differences simply inquired into what was the best to be done under the circumstances with every individual item, so when it was brought into the general, or full, committee the same almost practical unanimity was found there. There are not a half dozen points of difference between the subcommittee and the full committee on all the great and various items that are comprehended in this bill. For that reason, and because it comprehends such a variety of detail, I will not attempt to go into any of the questions that divided the committee, either in the subcommittee or in the whole committee, except to say that they are confined to three or four questions, such as the investigation of the conditions surrounding woman and child labor, the transportation of silver coin, and reductions in the work of the Geological Survey. I apprehend you will find that these reductions will be the most serious question debated in the further consideration of this bill. The size of this bill, so far as I can see, only demonstrates the size of this country and the great increase in our business.

I am ready, so far as I am personally concerned, Mr. Chairman, to proceed with the consideration of the bill under the five-minute rule.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WARSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25745, and had directed him to report that it had come to no resolution thereon.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the naval appropriation bill with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the naval appropriation bill, to disagree to the Senate amendments, and ask for a conference.

Mr. CLARK of Florida. What bill is that?

The SPEAKER. The naval appropriation bill.

Mr. WILLIAMS rose.

Mr. FOSS. Mr. Speaker, I wish to say I have conferred with the leading minority Member [Mr. MEYER], and this action is agreeable to him.

Mr. WILLIAMS. All right, I have no objection; but I did not happen to see any of the minority Members of the committee in their seats.

The SPEAKER. The Chair will announce the following conferees.

The Clerk read as follows:

Mr. FOSS, Mr. LOUDENSLAGER, and Mr. MEYER.

UNITED STATES COURT, DISTRICT OF SOUTH CAROLINA.

The SPEAKER laid before the House the bill (H. R. 22334), to amend an act to regulate the sitting of the United States courts within the district of South Carolina, with Senate amendments.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House agree to the Senate amendments.

The question was taken; and the Senate amendments were agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 25745), and pending that motion I move that general debate on the bill be closed, and upon that motion I ask for the previous question.

Mr. SULZER. I object, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] moves the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and, pending that motion, moves that general debate be closed on that bill, and demands the previous question.

The question was taken; and there were on a division (demanded by Mr. WILLIAMS)—ayes 161, noes 41.

So the previous question was ordered.

The SPEAKER. The question is on the motion that general debate on the bill be closed.

The question was taken; and there were on a division (demanded by Mr. SULZER)—ayes 165, noes 47.

Mr. CLARK of Florida. Mr. Speaker, I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Fifteen gentlemen have arisen, not a sufficient number, and the yeas and nays are refused. The question is on the motion of the gentleman from Minnesota [Mr. TAWNEY] that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken; and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. WATSON in the chair.

Mr. TAWNEY. Mr. Chairman, I ask that the Clerk proceed with the reading of the bill.

The CHAIRMAN. General debate has been closed, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Alexandria, Minn., post-office: For site and for completion of building under present limit, \$15,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. SULZER. Mr. Chairman, my purpose in making this motion at this time is to call the attention of the House to the fact that this morning when this bill was taken up I asked that the gentleman from Florida [Mr. CLARK] might have thirty minutes in which to discuss a question of great public moment concerning the long-delayed reports on the investigation of the St. Elizabeth Insane Asylum. The gentleman from Minnesota [Mr. TAWNEY] in charge of the bill refused to grant my colleague on this side of the House the brief time of thirty minutes to discuss something he has been studying for over a year, and the reports regarding that investigation only came in the other day.

Mr. PAYNE. Mr. Chairman, I make the point of order that the gentleman is not talking to his motion.

The CHAIRMAN. The Chair, up to this time, sustains the point of order. The gentleman will please confine himself to the paragraph.

Mr. SULZER. Mr. Chairman, how many more minutes have I left?

The CHAIRMAN. The gentleman has four minutes remaining in which to discuss the paragraph.

Mr. SULZER. Mr. Chairman, I would like the gentleman from Minnesota [Mr. TAWNEY] to give me a little information regarding the paragraph under discussion, if he can.

Mr. TAWNEY. If the gentleman from New York is competent to state what information he wants, I can tell him whether I can give it to him or not.

Mr. SULZER. I notice this post-office is in the gentleman's State. What I wish to know is this: For what purpose is this additional \$50,000 required?

Mr. TAWNEY. To build a post-office that Congress authorized at the last session of Congress.

Mr. SULZER. Exactly; and now I would like to inquire whether the gentleman has appropriated the necessary money in this bill to build all other post-offices in this country which the Congress has authorized?

Mr. TAWNEY. We have—

Mr. SULZER. I think the gentleman is in error. How about New York?

Mr. TAWNEY. If Congress has authorized it.

Mr. SULZER. Yes; Congress has authorized the new post-office for New York City, and as yet not a dollar has been appropriated to begin putting up the building. It is the old story. The gentleman has been good to his own State [laughter], but has been very economical to other States, and has done nothing for New York City. By reason of the gentleman's obstinacy four hours of the time of the House have been wasted because the gentleman would not give a Member of this House thirty minutes on an important question.

Mr. PAYNE. I make the point of order—

Mr. SULZER (continuing). If the gentleman desires to continue, I doubt if he can get this bill through the House for several days to come. I think it is quite remarkable that the gentleman has, right at the very head [laughter] of this bill, an appropriation of \$15,000 for the completion of a post-office in Minnesota. But if you will turn over to New York, you will find there is nothing in it for New York City, and that city pays more money into the Post-Office Department every year

than any other ten post-offices in the United States. There is no place in this country where post-office facilities have been so crippled by reason of the neglect of proper legislation as in the great city of New York. It is not fair; it is not just; and I want to call the attention of the House to the matter now, just as I did a few moments ago call the attention of the House to the fact that the gentleman from Minnesota has wasted four hours of our time here to-day simply because he would not consent to give one of our Members thirty minutes to discuss a most important question.

Now, Mr. Chairman, when we reach the city of New York I shall offer an amendment and have something more to say about the urgent needs of the post-office there, and I hope that gentlemen on that side of the House who represent the city of New York will stand up in their places and explain why in this appropriation bill there is no provision for building the new post-office in New York City heretofore authorized by Congress, whereas if you take this bill you will find that at the very head of the second page \$15,000 is appropriated to build a post-office away out in Minnesota. Now, what is sauce for the goose ought to be sauce for the gander—New York should be treated as fairly as Minnesota—and I am going to see to it if I can that the gander gets as much of the sauce as the goose. [Laughter.]

The Clerk read as follows:

For rental of temporary quarters for the accommodation of certain Government officials at Cedar Rapids, Iowa, \$3,000; and the provision of the act approved June 30, 1906, making appropriations for the sundry civil expenses of the Government, which provides that all expenses incident to the occupancy of the building in question shall be paid from the sum of \$10,000 then appropriated for rent of temporary quarters at Cedar Rapids, Iowa, is hereby repealed.

Mr. CLARK of Florida. Mr. Chairman, I desire to make the point of order on page 5, beginning at line 5, down to and including line 13. I make the point of order that the whole paragraph is new legislation.

The CHAIRMAN. The gentleman makes the point of order that this paragraph is new legislation.

Mr. SMITH of Iowa. May I ask the gentleman whether he makes the point of order against the appropriation or the repealing clause?

Mr. CLARK of Florida. I make it as to the whole paragraph, from line 5 down to and including line 13. That certainly comes within the rule.

Mr. SMITH of Iowa. Mr. Chairman, the committee concedes the point of order, and I offer the following amendment.

The CHAIRMAN. The Chair sustains the point of order, and the gentleman offers the following amendment.

The Clerk read as follows:

On page 5, after line 4, insert:

"For rental of temporary quarters for the accommodation of certain Government officials at Cedar Rapids, Iowa, \$3,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CLARK of Florida. I renew the point of order as to the amendment offered by the gentleman from Iowa, for the same reason.

The CHAIRMAN. "For rental of temporary quarters for the accommodation of certain Government officials at Cedar Rapids, Iowa." Is there a previous authorization?

Mr. SMITH of Iowa. Mr. Chairman, I simply want to state the facts. The city of Cedar Rapids is in the district represented by my colleague [Mr. COUSINS]. A bill was passed providing for the complete reconstruction of the Government building, and consequently the officers had to be moved out of the Government building. Last year the bill carried \$10,000 to pay for these temporary quarters that are occupied by the Government under a lease of this building furnished by these individuals, and this is simply a continuation of the appropriation for the current fiscal year.

The CHAIRMAN. Under the statement of the gentleman from Iowa the Chair is clearly of the opinion that this is not subject to the point of order, and therefore overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized and directed to expend from the appropriation heretofore made for the United States post-office building at Clarinda, Iowa, not to exceed the sum of \$5,000 for the purpose of securing a suitable site for said building.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order to the language on page 6, beginning with line 5, down to and including line 9. It is new legislation. It seeks to divert funds heretofore appropriated for the construction of a public building, or part of the fund, for the purchase of a site for the

public building. It is entirely new legislation, and I make the point of order.

The CHAIRMAN. The gentleman from Florida makes the point of order as to all that portion of the bill on page 6 between lines 5 and 9, inclusive. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HEPBURN. Mr. Chairman, at the last session of Congress an appropriation of \$10,000 was made for the purpose of beginning the erection of a building at this place. This is simply a limitation upon that appropriation, no more. It is not a change of existing law, further than that it limits the use of that appropriation.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa what, if any, provision was made in regard to the purchase of a site in the authorization of a year ago?

Mr. HEPBURN. There was no provision made.

Mr. TAWNEY. The proposition is to divert \$5,000 of the aggregate amount authorized and make it applicable for the purchase of a site upon which the building is to be erected.

The CHAIRMAN. What was authorized a year ago?

Mr. TAWNEY. The construction of a post-office at this place, at a limit of cost of \$40,000.

The CHAIRMAN. Including both building and site?

Mr. TAWNEY. There was nothing mentioned in regard to the site.

The CHAIRMAN. Nothing whatever?

Mr. TAWNEY. I understand from the gentleman from Iowa that the proposition was that the site was to be donated by the people in the city of Clarinda. That is not now possible, and this proposition involves the diversion of \$5,000 of the amount originally appropriated for the purchase of the site upon which to erect the building that has been authorized. It does not involve any increase in the appropriation at all. No site was included heretofore.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa whether or not the Secretary of the Treasury is directed by this section to do something that he can not now do under existing law and under the present authorization?

Mr. HEPBURN. Yes, sir.

The CHAIRMAN. Does or does not the gentleman from Iowa regard that as a change of existing law?

Mr. HEPBURN. I think that it is a change of existing law and would be subject to this rule but for the fact that there has been an appropriation of money. Now, I understand that a direction as to the particular use of that appropriation is simply a limitation upon it and has not been under the ruling of the Chair heretofore regarded as obnoxious to this rule.

The CHAIRMAN. The Chair understands that in a negative direction this would undoubtedly be a limitation on the appropriation, but here seems to the Chair to be something of an affirmative direction to the Secretary of the Treasury to do something that he can not now do under existing law. However, the Chair thinks it is a very close question, having examined it in another matter on this bill.

Mr. CLARK of Florida. Mr. Chairman, just a word on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Florida, if the gentleman from Iowa has concluded.

Mr. CLARK of Florida. I just simply desire to say this: From the statement of the gentleman from Minnesota and of the gentleman from Iowa it appears that a previous Congress appropriated a sufficient amount of money for the construction of a public building. The law making that appropriation is in force to-day. Now it is sought by this legislation to divert a part of that fund, created under this former act, from the purpose for which it was intended. Therefore it unquestionably becomes a change of existing law. As the Chair very properly remarked, the Secretary of the Treasury has not the power under the existing law to divert this sum for the purchase of a site, and it is essential that another act be passed so changing the law as to give him the power, and unquestionably it is a change of existing law.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard further?

Mr. HEPBURN. No, sir.

The CHAIRMAN. Or the chairman of the committee?

Mr. TAWNEY. I do not.

The CHAIRMAN. The authorization of a year ago contains the following language, in section 7:

Provided, That in each of the cities mentioned in this section a suitable site, satisfactory to the Secretary of the Treasury, is sold to the United States at a cost not to exceed the sum of \$1.

And then follows a list of the post-offices to be constructed under those circumstances, the sites being practically donated by the city. The United States post-office at Clarinda, Iowa, was

one of the post-offices to be constructed on a site to be donated by the city of Clarinda, or to be obtained at the price of \$1.

Mr. CLARK of Florida. If the gentleman from Iowa will permit me just a moment, out of deference to my friend, I will withdraw the point of order in this case.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOWELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 24925. An act making appropriation for the naval service for the fiscal year ending June 30, 1908, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 22338. An act to bridge Bayou Bartholomew in Louisiana.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. SUTHERLAND, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment House concurrent resolution of the following title:

House concurrent resolution 56.

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House and the Secretary of the Senate are hereby authorized and directed to permit JACOB RUPPERT, Jr., to affix his name as one of the managers of the conference on the disagreeing votes of the two Houses on the bill S. 4403, "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Houston, Tex., post-office and court-house: For continuation of building under present limit, \$100,000; and the Secretary of the Treasury is hereby authorized to enter into contracts for the construction and completion of the building at a total cost not to exceed \$200,000, including the sums herein and heretofore appropriated, but exclusive of the cost of site.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment to that paragraph. It is a misprint. The word "including" in line 21, should read "in addition to."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 12, line 21, strike out the word "including" and insert the words "in addition to."

The amendment was agreed to.

The Clerk read as follows:

Mason City, Iowa, post-office: For completion of building under present limit, \$50,000.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Mason City, Iowa, post-office: For additional land, \$500.

The amendment was agreed to.

The Clerk read as follows:

New Orleans, La., post-office and court-house: For continuation of building under present limit, \$250,000; and the Secretary of the Treasury is hereby authorized to enter into contracts for the construction and completion of the building, at a total cost not to exceed \$850,000, exclusive of the sums herein and heretofore appropriated, but exclusive of the cost of site.

Mr. MANN. Mr. Chairman, I reserve the point of order to get an explanation. I notice a number of items of this kind where the bill authorizes the letting of contracts. Why is not this covered in the public-building bill?

Mr. TAWNEY. I will say to the gentleman that there are just four cases.

Mr. MANN. This is the fourth case and there is another one. There are cases at Richmond, New Orleans, Houston, Atlanta, and Johnson City.

Mr. TAWNEY. This is an authorization carried in the last public-building bill, but the limit of cost fixed by that bill in these cases was not specifically stated in all of the four cases. Perhaps the purpose was to make it appear that the public-building bill carried a less amount than appeared on the surface.

Mr. MANN. I would like to ask if this meets with the approval of the gentleman from Missouri, the chairman of the Committee on Public Buildings and Grounds, who announced a

few days ago that he was not going to let the Committee on Appropriations usurp the functions of his committee.

Mr. BARTHOLDT. Mr. Chairman, I wish to say that this paragraph is clearly in order, because it is authorized in the last public-building bill.

Mr. MANN. It is not in order as far as that is concerned. If it is in order, it has no place in the bill.

Mr. BARTHOLDT. Yes; it has a place in the bill for this reason; because this is the only bill which makes appropriation, while the bill which the Committee on Public Buildings and Grounds prepares only authorizes expenditures. In that bill we carried a total amount of \$1,300,000 for New Orleans, and the exact amount was appropriated in the last sundry civil bill; and this is an additional amount, so that the Supervising Architect of the Treasury Department can go ahead and contract for the completion of the building.

Mr. MANN. The public-building bill is the bill that carries the authority to the Secretary of the Treasury to enter into contracts. This bill carries the appropriation, but in this item it carries both the appropriation and the authority to enter into the contract. So I say that it is usurping the functions of the Committee on Public Buildings and Grounds, which the gentleman announced to us he would not permit the committee to do.

Mr. BARTHOLDT. The authorization was carried in the last bill.

Mr. MANN. What is the object of putting it into this bill and leaving it out of the other item?

Mr. BARTHOLDT. It was necessary to repeat the phraseology of the bill providing for the public building passed at the last session.

Mr. MANN. Does the gentleman mean to tell the committee that in this specific item it is necessary to repeat the phraseology of the public-building bill and is not necessary to repeat it on each of the other items identically alike as far as public buildings are concerned?

Mr. BARTHOLDT. No; but if the gentleman will investigate, he will find that they are not alike, for the reason that in all the other items the total amount, the total limited cost, was fixed in the bill.

Mr. MANN. Mr. Chairman, in view of the lucid and clear explanation of the gentleman from Missouri, which nobody understands, I withdraw the point of order. [Laughter.]

The Clerk read as follows:

New York, N. Y., assay office: For continuation of the enlargement, extension, remodeling, or improvement of building under present limit, \$150,000.

Mr. SULZER. Mr. Chairman, I offer the following amendment, to come in immediately after that paragraph.

The Clerk read as follows:

New York, N. Y., post-office: For continuing building of new post-office on site at East Thirty-fourth street, in the city of New York, \$1,000,000.

Mr. TAWNEY. Mr. Chairman, to that I make the point of order that the law does not authorize it.

Mr. SULZER. Mr. Chairman, I would like to be heard for a few moments. The point of order made by the gentleman from Minnesota may be correct, but I wish to call his attention to the fact that almost every one of the appropriations for these new post-office buildings, which I have not objected to, were also subject to a point of order.

Mr. TAWNEY. If the gentleman from New York will permit me—

Mr. SULZER. One moment. If the gentleman from Minnesota is going to insist on his point of order against the New York City post-office, the great distributing mail center of this country, the most important post-office in this country, then I shall be compelled to raise a point of order on every other single item in this bill. Now, Mr. Chairman—

Mr. TAWNEY. Mr. Chairman, will the gentleman now permit an interruption?

The CHAIRMAN. Will the gentleman yield?

Mr. SULZER. Certainly.

Mr. TAWNEY. What law is there that authorizes the construction of the post-office building in the city of New York?

Mr. SULZER. Mr. Chairman, I call the gentleman's attention to the act, which after years of struggle in the House we finally got through, to build the new post-office in the city of New York within the depot at the terminus of the Pennsylvania Railroad. We paid the Pennsylvania Railroad \$3,000,000 for the right in perpetuity to build this post-office within their new railroad depot, which is going to be the greatest depot in the world—

Mr. TAWNEY. Will the gentleman permit another interruption? That authority was for the purchase of the site.

Mr. SULZER. The Government bought the site.

Mr. TAWNEY. I am asking the gentleman what legislative

authority there exists to-day for the construction of the building.

Mr. SULZER. Absolutely none. That is the reason I am offering this amendment.

Mr. TAWNEY. And that is the reason I make the point of order.

Mr. SULZER. I want to say that the Pennsylvania Railroad Company is now constructing this depot, and it is incumbent upon the Government to construct within the depot this new post-office.

Mr. TAWNEY. Will the gentleman permit another interruption?

Mr. SULZER. Certainly.

Mr. TAWNEY. Did the gentleman from New York call upon the committee or any member of the Committee on Appropriations—

Mr. SULZER. I did not.

Mr. TAWNEY. And request that this or any other item in respect to the construction of the post-office in New York should be carried in this bill?

Mr. SULZER. I did not, because I knew it was useless, but I did think that certain Republican Members from the city of New York, especially a distinguished Republican [Mr. LITTAUER] on the committee from the State of New York, after all that has been printed in the newspapers concerning this new post-office, and after all the petitions which were poured into this House regarding the matter, would surely have seen to it that the money was appropriated for this new post-office; but be that as it may—

Mr. TAWNEY. Will the gentleman permit another interruption?

Mr. SULZER. Certainly.

Mr. TAWNEY. In justice to his colleague on the Committee on Appropriations, the gentleman ought also to state that the Committee on Appropriations is not a legislative committee.

Mr. SULZER. That is my point. Then why are we legislating in this bill?

Mr. TAWNEY. And had the gentleman's colleague on the committee secured the money for the construction of this building, it would have been in violation of law and would have gone out on a point of order.

The CHAIRMAN. A point of order has been made—

Mr. SULZER. This is a very important matter—not to me personally, because I get my mail down town [laughter], but I am talking now for the Representatives uptown and their constituents.

The CHAIRMAN. The Chair desires to state to the gentleman from New York the parliamentary status. The point of order has been made.

Mr. SULZER. So I understand.

The CHAIRMAN. And therefore it is incumbent on the Chair to rule.

Mr. SULZER. I ask the gentleman to reserve his point of order for a minute.

The CHAIRMAN. Does the gentleman consent to reserve his point of order?

Mr. TAWNEY. I have made the point of order.

The CHAIRMAN. The gentleman has made the point of order.

Mr. SULZER. But he can reserve it.

The CHAIRMAN. And the Chair is compelled to rule, and the Chair sustains the point of order.

Mr. SULZER. But the gentleman can reserve his point of order.

Mr. TAWNEY. How much time does the gentleman want?

Mr. SULZER. Oh, say two minutes.

Mr. TAWNEY. I reserve the point of order in order that the gentleman may speak for two minutes on the construction of the post-office in New York not authorized by law.

The CHAIRMAN. It is somewhat irregular, but the gentleman is recognized for two minutes.

Mr. SULZER. Mr. Chairman, just a word in answer to what the gentleman from Minnesota [Mr. TAWNEY] has said about an appropriation not authorized by law. No doubt he is aware of one hundred or more items in this bill which are subject to points of order and are not authorized by law.

Mr. TAWNEY. He is not aware of that, and it is not the fact.

Mr. SULZER. Now, I have only got two minutes. The gentleman gave me only two minutes, and I hope he will not deprive me of any of that time. I am talking here for the Government. The Government is interested in this matter. If the Pennsylvania Railroad Company goes on and builds the new depot and the Government does not build the new post-office within it while this other work is going on, it may cost the Government

three and maybe five times more money hereafter to do it than it would cost if we would appropriate it now. It was suggested on the floor of this House, and it was understood by Congress and the Secretary of the Treasury, that just as soon as the Pennsylvania Railroad began to construct its depot in the city of New York the Government would immediately begin the construction of the new post-office within that depot.

Now, Mr. Chairman, Congress is not keeping faith with the city of New York; it is not keeping faith with the Secretary of the Treasury; it is breaking faith under the act of this Congress with the Pennsylvania Railroad Company. Now, every Member from the city of New York is aware of the fact that there is nothing so important to the citizens of New York City and the people of this country as the quick distribution of the mails. Nearly all foreign mails come to New York City and are distributed from there. More than a quarter of all the mails of the United States in one way or the other come to New York and are distributed from there to the ends of the earth, and that can not be done expeditiously without proper facilities, and the post-office in New York City has not now the facilities to do it. That is all there is to it. The Republicans must take the responsibility for this delay, for this breach of faith, for this deplorable condition of postal affairs and facilities in the city of New York.

The CHAIRMAN. The time of the gentleman has expired. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Niagara Falls, N. Y., post-office: For completion of building under present limit, \$36,250.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of making a very brief statement. My colleague from New York City [Mr. SULZER] very correctly says that the completion of this new post-office is of great importance to those of us who live uptown in New York City. We paid \$1,000,000, not \$3,000,000, to the Pennsylvania Railroad for the site. If we have an appropriation this year of \$1,000,000, we could not use it, and I want to say to my friend from New York—

Mr. SULZER. My friend is mistaken about the price.

Mr. BENNET of New York. When we come here to Congress for an appropriation for that purpose we want a great deal more than a million dollars.

Mr. SULZER. What I am asking for now would be a good starter.

Mr. BENNET of New York. All we could use this year is \$100,000 for the supports on top of the work which the Pennsylvania Railroad Company is doing—

Mr. SULZER. Will the gentleman permit a question?

Mr. BENNET of New York. In just a moment. And before this Congress adjourns I think we will find a way to get that \$100,000, which is all the Treasury Department informs us we can use this year.

Mr. SULZER. I just want to ask my colleague, the gentleman from New York, if he is opposed to an appropriation now to begin the building of this new post-office?

Mr. BENNET of New York. When it is clearly insufficient; yes. I want \$5,000,000, not \$1,000,000.

Mr. SULZER. Does not my colleague think that one million now is enough with which to start? I understood him to say only \$100,000 can be spent this year, and that he wants \$5,000,000. My colleague is inconsistent.

Mr. BENNET of New York. We would like to get that and the five million afterwards.

Mr. SULZER. Does the gentleman think he can get five million from this Congress?

Mr. BENNET of New York. We do not want it.

Mr. SULZER. Then I understand my friend does not want anything for the new post-office from this Congress?

Mr. BENNET of New York. We want \$100,000.

Mr. SULZER. What assurance can the gentleman give that New York City will get even that \$100,000 for the new post-office?

Mr. BENNET of New York. You watch us. [Laughter.]

Mr. SULZER. You need watching. [Laughter.]

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

North Adams, Mass., post-office: For site and for continuation of building under present limit, \$50,000.

Mr. SULZER. Mr. Chairman, I make the point of order against that paragraph in regard to North Adams.

The CHAIRMAN. What is the point of order?

Mr. SULZER. That it is new legislation.

Mr. LAWRENCE. Mr. Chairman, the public-building bill passed at the last session of Congress contained an authorization

of \$115,000 for a site and building at North Adams, Mass. The sundry civil bill passed during the same session appropriated \$40,000 under that authorization. The pending item appropriates \$50,000 more under the authorization contained in the public-building bill to which I have referred, and is clearly within the law.

Mr. SULZER. I would like to ask the gentleman if the site has been purchased?

Mr. LAWRENCE. The Government has selected the site.

Mr. SULZER. But the site has not been purchased?

Mr. LAWRENCE. The title has not been passed.

Mr. SULZER. That is the point I desire to make. Money is appropriated for a building long before a site for it has been selected.

How intensely absurd it all is when we consider New York City has a site and can not get the money for the building.

Mr. LAWRENCE. I will say to the gentleman that the site has been selected, and all that remains to be done is to perfect the title. As soon as that is done the Government will go on with the construction of the building. An additional appropriation is therefore necessary. It is clearly within the existing law. I do not care to argue it further.

The CHAIRMAN. The Chair is prepared to rule.

Mr. SULZER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Paris, Ill., post-office: For site, and for continuation of building under present limit, \$30,000.

Mr. SULZER. A point of order, Mr. Chairman. I desire to ask the chairman of the committee if this appropriation was authorized in the public-building bill?

Mr. TAWNEY. What building is it?

Mr. SULZER. The Clerk will inform the gentleman.

The CHAIRMAN. The point of order has been made by the gentleman from New York [Mr. SULZER] against lines 20 and 21 on page 20, the post-office at Paris, Ill.

Mr. TAWNEY. That building was authorized by the last public-building act.

Mr. SULZER. I would like to ask the gentleman if he knows whether the site has been selected.

Mr. TAWNEY. I can tell the gentleman.

Mr. JAMES. What is the item that the point of order is made to—Paris, Ky.? [Laughter.]

The CHAIRMAN. Paris, Ill.

Mr. TAWNEY. The site had not been purchased at the time we had the hearings, but the Supervising Architect informed the committee that the negotiations were almost completed and will be before the expiration of this session of Congress.

Mr. SULZER. Mr. Chairman—

Mr. TAWNEY. And the amount estimated is the amount that can be expended during the fiscal year 1908 in the construction of the building.

Mr. SULZER. Mr. Chairman, what the gentleman has just said bears out most conclusively all I have said in criticism of this kind of legislation. We are appropriating money here in every paragraph for new post-offices in cities, towns, and villages all over the country where the site has not even been selected, and in New York City, where the site was selected several years ago, we do not appropriate a dollar for the new post-office building.

The CHAIRMAN. The Chair is ready to rule.

Mr. SULZER. That is the commentary I desire to make upon this matter, and I intend to go on making the same commentary, notwithstanding the assurance of my colleague from New York [Mr. BENNET] that he is sure he is going to get a wee little bit of a hundred thousand dollars for a new post-office in the great city of New York. I withdraw the point of order. [Laughter.]

The Clerk read as follows:

Portland, Me., court-house: For continuation of building under present limit, \$125,000; and the appropriation of \$25,000 for the post-office at Portland, Me., made in the sundry civil appropriation act for the fiscal year 1907, is hereby made available for the court-house in said city.

Mr. SULZER. A point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. SULZER. I make the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. SULZER. It is a change of existing law.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. TAWNEY] desire to be heard on the point of order?

Mr. TAWNEY. I will state the facts to the Chair. The last public-building bill authorized the construction of a court-house at Portland, Me., fixing the limit of cost, and the Department sent the estimate up here at the closing hours of the session for all of the new buildings authorized in that act, and instead

of using the language of the act—that is, the word “court-house”—they used the word “post-office.” The appropriation, therefore, is unavailable for the construction of the court-house for the reason that the money was appropriated for a post-office. It is simply to change—

Mr. MANN. Is it the same authorization?

Mr. TAWNEY. Identically the same authorization.

Mr. MANN. The same building?

Mr. TAWNEY. And it is the same building.

Mr. SULZER. I would like to say that under the rules the paragraph is clearly subject to a point of order, as it changes existing law, which can not be done under the rule on an appropriation bill.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota [Mr. TAWNEY] whether or not the post-office in question was authorized by the act of a year ago?

Mr. TAWNEY. It was not. The authorization is for a court-house.

The CHAIRMAN. Was the court-house authorized?

Mr. TAWNEY. The court-house is authorized.

Mr. BARTHOLODT. If the gentleman will permit, I will say that the authorization was for the court-house.

The CHAIRMAN. The Chair desires to ask this question, Whether or not this is a reappropriation of an unexpended balance of a sum that was appropriated for a lawful object?

Mr. BARTHOLODT. If the gentleman will permit me, I can state the facts. The public-building act made an appropriation for a court-house, but in making the appropriations in the sundry civil bill the building was designated as a post-office instead of as a court-house, and this is simply to correct the error.

The CHAIRMAN. Does the gentleman desire to be heard further on the point of order?

Mr. SULZER. I trust the Chair is not in doubt about the matter?

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

Provo, Utah, post-office: For site and for completion of building under present limit, \$45,000.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman from Minnesota—

The CHAIRMAN. Does the gentleman move to strike out the last word?

Mr. SULZER. I move to strike out the last word for the purpose of making an inquiry. I desire to ask the gentleman from Minnesota if this post-office has been authorized by law?

Mr. SMITH of Iowa. It has been.

Mr. SULZER. Authorized?

Mr. SMITH of Iowa. Yes, sir.

The Clerk read as follows:

Rawlins, Wyo., post-office: For site and for continuation of building under present limit, \$40,000.

Mr. SULZER. I move to strike out the last word, for the purpose of making an inquiry. I would like to know from the gentleman from Minnesota if there is any law authorizing this appropriation?

The CHAIRMAN. The gentleman from New York moves to strike out the last word, and asks for information from the gentleman from Minnesota about line 14, page 22.

Mr. TAWNEY. That is authorized by existing law.

Mr. SULZER. I would like to ask the gentleman, then, if this site has been selected?

Mr. TAWNEY. If the gentleman will turn to page 52 of the hearings he will find what the Supervising Architect said in regard to it:

The site has been selected, and in order that building operations may be prosecuted with dispatch it is desired that an appropriation in the limit be made of \$40,000 instead of \$20,000 asked for in the estimates.

Mr. SULZER. I withdraw the pro forma amendment.

Mr. NORRIS. Mr. Chairman, I desire to ask the chairman of the committee a question that applies to the words that are here used and takes in nearly all of these items that we are considering for purchase of sites and continuation of buildings. I understand the sites have been purchased prior to this time, and why is it that the committee continues to use that language?

Mr. TAWNEY. Because it is the authorization in the public building act.

Mr. NORRIS. As a matter of fact, you can not use that language here for the particular appropriation in this bill for the purchase of the site.

Mr. TAWNEY. The purchase of the site has already been made. The site has been purchased, and this is not an authorization for the purchase of the site.

Mr. NORRIS. That states that.

Mr. TAWNEY. Site and building.

Mr. NORRIS. The site has been purchased under a prior

appropriation, and as a matter of fact if we undertook to appropriate any more money for site it would be subject to the point of order, as I take it, because it has already been purchased.

Mr. PAYNE. They could purchase an addition to the site.

Mr. NORRIS. Not if they have used the appropriation.

Mr. PAYNE. If the law authorizes the use of it for the purchase of site and to complete the building they are following the language of the original law.

Mr. TAWNEY. It is a title that is carried on the Treasury

books in connection with every one of these public buildings: “For site and construction of buildings.”

Mr. NORRIS. Even if that is true, it is not the intention to purchase any more site is it? Then if that is so, why should we appropriate money for the purpose of continuing purchases?

Mr. TAWNEY. We are not.

The Clerk read as follows:

Rochester, N. Y., court-house and post-office: For completion of extension of building under present limit, \$70,000.

Mr. GAINES of Tennessee. I move to strike out the last word for the purpose of making an inquiry. I should like to ask the gentleman from Minnesota who fixes the plans of these various buildings that we are putting up all over the United States?

Mr. TAWNEY. The Supervising Architect, and there are a great many of them.

Mr. GAINES of Tennessee. They are under the practical control of the Supervising Architect; I understand that. I know him very well, and I think very well of him; but my information has been—I can not just exactly tell where I got it, possibly from the newspapers—that in addition to having this splendid corps of architects in the Department, paid full salaries, kept in office all the time, that we employ outside architects at a large expense to the Government. Now, I myself investigated for the purpose of finding out whether or not that was true to any extent, and the result of that investigation, as well as I recollect, is that he did not have enough architects down there to do this immense work, and they did have a good deal of it done by outsiders at a large expense. Does the gentleman know about that; and if so, how much do we pay for architects outside of the regular architects we have?

Mr. TAWNEY. There are no architects planning or constructing any public building unless express authority for such employment is given; and it is rarely given—only in such cases as the construction of the post-office in Chicago, which is a very large building; otherwise the work is done by the Supervising Architect and the force of draftsmen and architects he has in the Department.

Mr. GAINES of Tennessee. Now, was there not another architect used for the new improvements at Annapolis?

Mr. TAWNEY. Well, that is true; but they are not being constructed by the Treasury Department; and I do not suppose that the Navy Department has a sufficient organization of that kind to enable them to prepare plans for buildings of that magnitude.

Mr. GAINES of Tennessee. Well, now, are not the men graduated at Annapolis sufficiently learned in the art of construction to put up such a building as that without going to outside architects?

Mr. TAWNEY. That is a subject on which I am not able to answer the gentleman. I have never gone into the question, and I do not know whether these men are learned in this profession.

Mr. GAINES of Tennessee. My information is that they are.

Mr. SMITH of Iowa. There is no course in architecture at Annapolis.

Mr. TAWNEY. I will ask the gentleman if he knows whether there is a course of architecture at Annapolis?

Mr. GAINES of Tennessee. Well, they know how to construct a ship.

Mr. TAWNEY. That remains to be seen.

Mr. GAINES of Tennessee. They have done it. A young man of the Navy from my district, Mr. John Rhum, helped to build the *Oregon*, and I think men who can construct a man-of-war like the *Oregon* can certainly construct a better building than we have at Annapolis.

Mr. CRUMPACKER. I understand the practice to be for the Supervising Architect to invite the submission of plans by local architects in the various parts of the country, because there is too much work for his office to do. I know that is the case in the district which I have the honor to represent, and these architects are paid such fees or compensation as the Supervising Architect designates. It is the common practice, because it is necessary. If the force in the office undertook to provide plans and to supervise the construction of all these buildings, it would require years and years to finish them.

Mr. GAINES of Tennessee. I agree with the gentleman on that. I was trying to get at the cost of these architects who are employed on the outside.

Mr. CRUMPACKER. I do not know what the cost is, but I know what the practice is. In Hammond, Ind., a plan submitted by a local architect was adopted and approved, and he has superintended the construction of the building, which cost \$140,000.

Mr. GAINES of Tennessee. My friend is a very versatile man. Can he tell us whether or not—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last two words.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. MADDEN. I want to say for the information of the gentleman that the usual compensation allowed architects is 5 per cent on the cost of the work.

Mr. GAINES of Tennessee. Yes; I am sadly aware of that fact, because I know some of the fees we have been paying in these large undertakings—Annapolis being one and the renovation of the White House another. Does the gentleman know whether or not they teach young men sufficiently in architecture at Annapolis and West Point to enable them to be competent for such work?

Mr. MADDEN. They do not teach them architecture at all. They teach them engineering.

Mr. GAINES of Tennessee. I will tell you why I have asked you that question. I was told by a member of the Navy, a very accomplished gentleman, down at the hotel, when the question of paying these large fees to outside architects was up, I think, for the building of some structure at Annapolis or West Point, in the navy-yard at San Francisco, or one of our navy-yards—this gentleman said: "Mr. GAINES, our men are educated to do better work for the Government in erecting this building than any architect that ever lived. It is our business; we are taught that, and we know how to do it; but they will go along and put up these houses, and they will not do it as well or as cheaply as the very men the Government educates and maintains to do that business."

Mr. MADDEN. The duty of an engineer is to figure out the strength of a bridge or other structure.

Mr. GAINES of Tennessee. They do not stop at building bridges. Almost anybody can build a bridge. I have built them myself before I came to Congress and may have to do so again.

Mr. MADDEN. I have no doubt the gentleman built the bridge over which he came to Congress. [Laughter.]

Mr. GAINES of Tennessee. I did, and I will tell you now that it was a good one, and there was no trust-made material went into it, and by the Eternal there never will be. I have made several journeys across it, and I dare say it will hold up the man who succeeds me.

Now, I thank the House. I was trying to get a little information.

Mr. MADDEN. Did you make your bridge out of Tennessee lumber?

Mr. GAINES of Tennessee. Yes; and some hickory.

Mr. MADDEN. Will the gentleman tell us where the hickory came from? [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

For rent of temporary quarters at Rochester, N. Y., including necessary moving expenses, \$8,000.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against lines 15 to 17, inclusive, on page 23, the paragraph just read by the Clerk, that it is new legislation.

The CHAIRMAN. The gentleman makes the point of order on the paragraph from lines 15 to 17, on page 23. The Chair would like to be informed in regard to that.

Mr. TAWNEY. Mr. Chairman, this appropriation is for making repairs to the post-office or public building in the city of Rochester, and the rent of temporary quarters is necessary on account of the work being done in the extension or repairs to the present building and is authorized by law.

The CHAIRMAN. That is the point. Does the gentleman from Minnesota say that it is authorized by law?

Mr. CLARK of Florida. I would like to ask the gentleman if he means to say that the item "necessary moving expenses" is authorized by law?

Mr. TAWNEY. Yes; it is authorized by the general law. If it were not for the fact that this is a large amount to be expended in the repair of this building, much of it being made nec-

essary by the extension which has been practically completed, this item would have been carried under the general appropriation, and it would be entirely competent for the Department, under the existing law, to take so much of the appropriation as was necessary to defray the expenses of moving and also rent of quarters.

Mr. CLARK of Florida. The gentleman means that it is impliedly authorized; he does not mean to say it is expressly authorized.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota whether or not the moving mentioned in the item is authorized?

Mr. TAWNEY. It is.

The CHAIRMAN. If the moving is authorized, in the opinion of the Chair, the necessity of it is authorized.

Mr. CLARK of Florida. I do not know myself, Mr. Chairman, what the law is.

Mr. TAWNEY. The reconstruction of the building, the extension of the building, was specifically authorized. Now, in consequence of making this extension, certain repairs of the old part of the building are necessary, which repairs could be paid for out of the general appropriation for repair and maintenance of public buildings.

Mr. CLARK of Florida. If the gentleman has the authorization, will he be kind enough to read the language?

Mr. TAWNEY. I have not the statute by me authorizing the extension of this building.

Mr. CLARK of Florida. I have never seen the law and if the gentleman has it I wish he would read the exact language to the committee.

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota whether or not the temporary quarters mentioned in line 15 was authorized by law?

Mr. TAWNEY. It is; and I will say to the Chair—

The CHAIRMAN. Does the gentleman know what year?

Mr. TAWNEY. I do not know; but when the Supervising Architect was before the committee he was asked if the work could be done out of the general appropriation which is carried in this bill for repairs of all post-offices or public buildings, and he said it could. They had authority to expend the money and it was immaterial whether it was given in a lump sum or in the general appropriation, or segregated and appropriated for separately. So the committee, to avoid increasing the aggregate amount carried in the general appropriation, made specific appropriation for the repair of this building and the moving and rent of temporary quarters.

I have here the appropriation for rent, light, and fuel for the first, second, and third class post-offices, \$3,000,000. That is the appropriation out of which these repairs could be made if we had included that amount in the aggregate of the general appropriation; but to avoid increasing that aggregate so that the next fiscal year we would not be accused of cutting down the ordinary appropriation for repairs of buildings, we made, as in the last session of Congress, a specific appropriation for this particular item which is authorized under the general law.

The CHAIRMAN. The Chair is clearly of opinion that the point of order should be overruled, and the Clerk will read.

The Clerk read as follows:

For special repairs to the post-office at Rochester, N. Y., made necessary because of and incident to the extension of said building authorized in an act approved June 30, 1906, \$40,000.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the language contained on page 23, lines 18 to 21, inclusive.

The CHAIRMAN. What is the gentleman's point of order?

Mr. CLARK of Florida. It is a change in existing law.

Mr. OLMSTED. Mr. Chairman, that point has been ruled over and over again. This is for repairs of an existing building, a continuation of Government work in progress. You will find on page 348 of the Manual half a dozen precedents. It was held that the repair of a bridge built at Government expense was a continuation of a public work. It was held in the Fifty-sixth Congress that the construction of a bridge on a road in the District of Columbia was a continuation of a public work. It was held again, in the Fifty-eighth Congress, that an appropriation for the rent and repairs of a building used for the public service was a continuation of a public work. In the Fifty-sixth Congress an appropriation for the repairing of a saw-mill was held to be in continuation of a public work. The paragraph is clearly within the exception to the rule.

The CHAIRMAN. The Chair is well satisfied on the point, and overrules the point of order.

The Clerk read as follows:

Rockford, Ill., post-office: For additional land and for the completion of the enlargement, extension, remodeling, or improvement of building under present limit, \$15,000.

Mr. SULZER. Mr. Chairman, I make the point of order against that paragraph.

The CHAIRMAN. What is the point of order?

Mr. SULZER. New legislation—not authorized by law.

The CHAIRMAN. The Chair asks the gentleman from Minnesota whether or not there is an authorization for that?

Mr. TAWNEY. It is authorized by law.

Mr. SULZER. I would like to ask the gentleman where the law is authorizing the purchase of additional land?

Mr. TAWNEY. The gentleman will find it back there in the Congressional law library. [Laughter.]

Mr. SULZER. Indeed, but I do not find anything in the book of hearings in regard to it. As far as I can ascertain there was never any law passed authorizing the purchase of additional land. The site has been purchased, and this is new legislation because it calls for the purchase of additional land. That might go on ad infinitum until they could take up 20 or 30 acres.

The CHAIRMAN. The Chair calls the attention of the gentleman from New York to page 775 of the statutes of last year, section 3, "that the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise such additional land as he may deem necessary for the enlargement of the present site, and to enter into contracts for enlargement, extension, remodeling, or improvement of the following-named buildings within the respective limits of cost hereby fixed," and that the second item mentioned under that general authorization is the United States post-office at Rockford, Ill., \$25,000. It is clearly within the language of the statute and the Chair overrules the point of order.

Mr. SULZER. I withdraw the point of order.

The Clerk read as follows:

St. Louis, Mo., post-office: For additional land and for continuation of building under present limit, \$250,000.

Mr. CLARK of Florida. Mr. Chairman, I would like to inquire of the Chair if under the act which was just read to the gentleman from New York by the Chairman the city of St. Louis is included?

The CHAIRMAN. The Chair can tell by examination.

Mr. CLARK of Florida. I do not care to raise the point of order if it is included.

Mr. TAWNEY. I will say, Mr. Chairman, that it is authorized by law. The limit of cost is \$110,000. Five hundred and forty-seven thousand dollars has already been appropriated, and this is \$250,000 which is estimated can be expended in the next fiscal year on the building under the previous authorization.

Mr. CLARK of Florida. I am asking the chairman if there is any authorization for the purchase of more land for St. Louis.

Mr. BARTHOLOLT. Yes, Mr. Chairman; there is. The purchase of additional land has been authorized in the last public-building act.

Mr. CLARK of Florida. If the chairman of the Public Building Committee makes that statement, I will not press the point of order.

The CHAIRMAN. The Chair thinks that it would be good authority, inasmuch as the chairman of that committee lives in the city of St. Louis, and the Chair presumes looked after it. [Laughter.]

Mr. PAYNE. Mr. Chairman, I want to say on this point of order that it is clearly the duty of the gentleman raising the point of order to show that there is no existing law. It is not the business of the chairman to inform gentlemen who make points of order as to what the law is. It simply is delaying the action of the committee and, in view of what the gentleman from New York [Mr. SULZER] said a half hour ago, it looks a good deal like dilatory proceedings. I insist that the Chairman ought to overrule the points of order so long as the gentlemen fail to show that there is no authorization in the law for it. The presumption is in favor of the bill.

Mr. SULZER. Mr. Chairman, a parliamentary inquiry. What is before the House?

The CHAIRMAN. The gentleman from New York. [Laughter.]

Mr. PAYNE. My colleague is.

Mr. SULZER. Oh, everybody can see the gentleman from New York [Mr. PAYNE] when he arises.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sharon, Pa., post-office: For site and continuation of building under present limit, \$30,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word. I would like to inquire of the gentleman from Minnesota [Mr. TAWNEY] if this site for Sharon, Pa., has been purchased.

Mr. TAWNEY. I do not know.

Mr. SULZER. Well, the gentleman ought to know as chairman of the committee. Before he appropriates money for a building he ought to at least secure the site.

Mr. TAWNEY. It is not necessary for me to know. The purchase of the site was authorized and the construction of the building was authorized.

Mr. SULZER. And the gentleman is appropriating money for a building before he knows the site has been purchased. No wonder the gentleman lectured the House this morning about a two-billion dollar Congress—a deficit of one hundred million of dollars—appropriating money in that way. [Laughter.]

The Clerk read as follows:

Willimantic, Conn., post-office: For site and for completion of building under present limit, \$30,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman from Minnesota if this site has been secured. I call the gentleman's attention to Willimantic post-office, Conn., line 12, page 29.

Mr. TAWNEY. What is the name of the place?

Mr. SULZER. Has the site been purchased?

Mr. TAWNEY. Where?

Mr. SULZER. Willimantic, Conn.

Mr. TAWNEY. For the information only of the gentleman from New York I will read:

An agent has inspected the site, and it is probable that it can be secured in the near future. In order that work on the building may not be then delayed it will be necessary that the balance up to the limit be appropriated, \$30,000.

Mr. SULZER. Mr. Chairman, just a few words. I have no disposition to delay the progress of this bill by captiously discussing these matters. My purpose is to enlighten the country. [Laughter.] I want it understood by the people, and hence I call the attention of the House to the fact that the Appropriations Committee find fault with their own work and call this a "two billion-dollar Congress," yet in this very bill, reported unanimously from the Appropriations Committee, they appropriate millions and millions of dollars for public buildings where the site has not even been purchased.

Now, how ridiculous that is, and what a commentary it is upon what I was speaking about a few moments ago with regard to the great city of New York, where the Government has purchased a site, where the railroad company is building the depot, and the post-office is to be in the center of that depot, and the Committee on Appropriations allows the railroad to go on and put up its building and does not build within it, as provided by law, its own post-office, so that next year it will cost twice as much as it will cost this year. I bring these facts to the attention of the country—

Mr. TAWNEY. Will the gentleman permit?

Mr. SULZER. In one moment, if the gentleman pleases. So that when the newspapers ring the changes on this two-billion-dollar Congress the day after we adjourn the Republicans will have no excuse to offer to the people, because the taxpayers will stand up and say the gentleman from New York [Mr. SULZER] called your attention to this extravagance and you would not listen to him and heed.

The Clerk read as follows:

For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings, including personal services of skilled mechanics, \$18,000.

Mr. CLARK of Florida. Mr. Chairman, I make the point against the language, page 30, beginning lines 14 to 17, inclusive.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CLARK of Florida. It is new legislation and not authorized by law. I make this point, Mr. Chairman, and call your attention particularly to it. This paragraph uses this language: "For Treasury building at Washington, D. C.; for repairs to Treasury, Butler, and Winder buildings—" and now this is the particular language—"including personal services of skilled mechanics, \$18,000." I do not think that is provided for by existing law.

The CHAIRMAN (Mr. LAWRENCE). The Chair will state the rulings are practically uniform that repairs to public buildings are authorized by existing law and services of skilled mechanics are of course simply incidental thereto. The Chair overrules the point of order.

The Clerk read as follows:

For repair of the east front of the Treasury building, including substitution of granite for the soft stone used in said east front of the

building, the unexpended balance of \$155,147.42 of the appropriation made for "Treasury building, Washington, D. C., ventilation," is hereby authorized to be expended, together with the further sum of \$204,852.58, which is hereby appropriated.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order, page 30, line 18, down to and including line 2 on page 31, as being not authorized by law.

The CHAIRMAN. The Chair will hear the gentleman from Florida.

Mr. CLARK of Florida. This provision undertakes to substitute granite for soft stone used in the east front of the Treasury building. I take it that is not provided for by a provision of law; if so, there is no necessity of reenacting it here. Then, again, Mr. Chairman, the language following that undertakes to divert the unexpended balance of money appropriated for a particular purpose from that purpose to some other purpose. That is new law for which there is no provision, and I think clearly the point of order lies.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard upon the point of order?

Mr. TAWNEY. I do not.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

For the construction of suitable fireproof steel files for the safe-keeping of official bonds of officers of the Treasury and other Executive Departments for which the Secretary of the Treasury is responsible as custodian, \$3,500.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order to the language on page 31, beginning with line 3 and down to and including line 7, as being new legislation and not authorized by existing law. I do not care to discuss it.

The CHAIRMAN. The Chair would like to hear the gentleman from Minnesota [Mr. TAWNEY] on that point.

Mr. TAWNEY. These are files that are to take the place of the wooden files that are now in the Treasurer's office. It is a refurnishing. At the present time all the bonds in the office of the appointment division of the Treasury Department are filed in wooden cases, and it is to replace these for the purpose of giving greater security and greater protection, and also increasing the room for filing purposes.

The CHAIRMAN. On that statement the Chair overrules the point of order.

The Clerk read as follows:

For repairs and preservation of public buildings: Repairs, and preservation of custom-houses, court-houses, and post-offices, and quarantine stations, buildings and wharf at Sitka, Alaska, and the other public buildings and the grounds thereof, and of sites acquired for public buildings, under the control of the Treasury Department, and including not exceeding \$50,000 for marine hospitals, \$475,000: *Provided*, That of the sum hereby appropriated not exceeding \$45,000 may be used, in the discretion of the Secretary of the Treasury, in the employment, outside of the District of Columbia, of superintendents and others, including mechanical labor force, at a rate of compensation not exceeding for any one person \$6 per day.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. SULZER. Mr. Chairman, Sitka was formerly the capital of the district of Alaska. Some time ago, however, Congress passed a law by which the capital of the district of Alaska could be removed at any time to Juneau, Alaska; and when a new governor was appointed recently by the President he moved the capital, in accordance with that provision of law, from Sitka to Juneau, and at the present time all the higher officials of the Government in Alaska are located at Juneau and not at Sitka, and Juneau is the capital of Alaska. I was at Sitka two years ago and looked over these buildings very carefully. They are a lot of old ramshackle buildings that no real-estate man, or no other purchaser, would pay \$500 for; and when the governor moved all the documents and papers from Sitka to Juneau he turned these old buildings over to the War Department to use for whatever purposes desired. And hence it is a waste of money now to repair or remodel or renovate those old buildings at Sitka, which have been there ever since the Government acquired title to the district of Alaska from Russia, away back in 1867. If this appropriation goes through, it is just so much money thrown away. These buildings, as I say, are not occupied to-day. The capital is no longer in Sitka, the buildings have been turned over to the War Department, and every dollar that this provision carries to repair them is just so much money wasted. The money should be spent for new Government buildings at Juneau. Sitka is dead. I trust that this paragraph will be stricken out, and I move, Mr. Chairman, to strike out the entire paragraph.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] withdraws his pro forma amendment and moves that the paragraph be stricken out. The question is on the motion of the gentleman from New York.

The question was taken; and the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, at this point I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 31, after line 25, insert:

"To enable the Secretary of the Treasury to acquire, by condemnation or otherwise, additional land adjoining the present site occupied by the Bureau of Engraving and Printing, and for the erection, completion, including heating and ventilating, of an addition to, or extension of, the buildings of the Bureau of Engraving and Printing, which shall conform architecturally in character and quality to the material used in the existing buildings of the said Bureau, \$150,000."

Mr. SULZER. Mr. Chairman, I make the point of order against that.

Mr. TAWNEY. Mr. Chairman, on the point of order I desire to say that this contemplates an enlargement of the Bureau of Engraving and Printing in the District of Columbia. The Bureau is very much crowded, and they are very much in need of room, as every Member of this House knows who has recently visited that building.

Mr. SULZER. Will the gentleman permit me to ask him a question?

The CHAIRMAN. Will the gentleman from Minnesota yield to the gentleman from New York?

Mr. TAWNEY. In just one minute. It is a public work, and I think it is clearly in order.

Mr. SULZER. I am glad to hear the gentleman say that the Bureau of Printing and Engraving is very much cramped. I think that was the word I used when talking about the postal facilities in the city of New York. It may be as the gentleman says, but I again recur to the New York City post-office and desire to inform the gentleman—

Mr. MANN. Mr. Chairman, I ask for a ruling.

Mr. SULZER. That the New York City post-office is also very badly cramped.

Mr. MANN. Mr. Chairman, I ask for a ruling.

Mr. SULZER. Mr. Chairman, I desire to say on the point of order that this is clearly new legislation and not authorized by law, and the gentleman should bring in the legislation in the proper way.

The CHAIRMAN (Mr. LAWRENCE). The Chair finds that the proposed amendment is for the purchase of land adjoining the site occupied by the present building, and for the extension of the present building. The Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

That in all cases, during the fiscal years 1907 and 1908, where any building or buildings not reserved by the vendor are on land heretofore acquired, or which may hereafter be acquired, for Federal building sites or for the enlargement of Federal building sites, the Secretary of the Treasury is hereby authorized, in his discretion, to rent such building or buildings until their removal becomes necessary and to make such repairs thereto as may be necessary to keep the buildings in tenable condition, payment to be made from the proceeds derived from the rentals; the net proceeds to be deposited in the Treasury of the United States, and a report thereof to be submitted to Congress annually.

Mr. SHERLEY. I desire to offer a new paragraph.

Mr. CLARK of Florida. I desire to make the point of order against the paragraph just read.

The CHAIRMAN. The gentleman from Florida makes the point of order.

Mr. CLARK of Florida. Against the paragraph just read—line 1 down to 13, inclusive, on page 32.

The CHAIRMAN. Now the Chair will ask the gentleman from Kentucky if he intended his amendment as a substitute for this paragraph, or does he wish to offer the amendment to be inserted at the end of page 31?

Mr. SHERLEY. I desire to insert that after the word "annually," in line 13 on page 32.

The CHAIRMAN. The gentleman from Kentucky will then wait until the ruling upon the point of order. The Chair will hear the gentleman from Florida.

Mr. CLARK of Florida. I want to say simply, in reference to the point of order, that if the Chair will observe, in line 6, "the Secretary of the Treasury is hereby authorized." Now, they are authorizing the Secretary of the Treasury to do something that it is certain he is not authorized to do without this; therefore this is new legislation.

Mr. TAWNEY. Mr. Chairman, I do not care to discuss the point of order, if the gentleman insists upon it. But I will state the facts, however; that it is for the purpose of enabling the Secretary of the Treasury to rent buildings that the Government now owns in the District of Columbia and apply a part of the proceeds of the rent to the repair of those buildings. That is all this is for. The Government is now paying \$7,000

for rent of these buildings. It has no authority to make any repair—necessary repairs that are absolutely necessary to the occupation of the buildings.

The CHAIRMAN. The paragraph is legislation upon an appropriation bill, and the Chair sustains the point of order.

Mr. SHERLEY. I offer an amendment to come in after line 13 on page 32.

The CHAIRMAN. The gentleman from Kentucky offers the amendment which the Clerk will report.

The Clerk read as follows:

Insert after line 13, page 32, the following:

"The Secretary of the Treasury is directed in designating any stone to be used in the public buildings for which appropriations are carried in this act to specify stone quarried in the State in which such building is to be erected, if stone suitable for such purposes be obtainable unless it be more expensive than stone of equal quality obtainable elsewhere."

Mr. TAWNEY. I reserve the point of order upon that.

Mr. SHERLEY. Now, Mr. Chairman, I desire to say to the committee that the effect of this amendment, if adopted, will simply be to have stone—native stone—used in the various public buildings provided in this act to be erected in the different States, provided such stone be suitable for that purpose, and be not more expensive than stone of equal quality to be had elsewhere, a proposition against which there can be no valid objection. I believe in patronizing the home market whenever the thing obtainable in that market is as good as any other obtainable elsewhere and at as reasonable a price. That is all that this does. It simply indicates the will of the House that in the selection of building stone stone quarried in the State, native to the State, shall be used for this purpose if it be obtainable at a fair price. I trust that no gentleman will insist upon the point of order. I recognize the amendment is subject to the point of order, but I believe that it is legislation that a majority of this House favors.

Mr. TAWNEY. I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For salaries of 290 keepers of life-saving and lifeboat stations and of houses of refuge, \$249,600.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. SULZER. Mr. Chairman, in my judgment the poorest paid employees of the Government are the men in the life-saving service. I take a deep interest in their welfare, and in the future, as in the past, will do all I can to aid them. These brave men perform the most arduous duties and heroic acts of any employees of the United States. I am in favor of economy along legitimate lines, but I am opposed to grinding down the poor, and hence I favor paying the life-savers along our coasts a little more money than they have been receiving. The small sum of \$65 a month which they receive as a stipend is scarcely enough to keep body and soul together. And now that there is a spirit abroad in favor of increasing salaries it seems to me that the Congress ought to increase the pay of the brave, overworked, and self-sacrificing life-savers of the country.

Any man who has ever witnessed the bravery, the hardihood, the dangerous and heroic performances of the life-savers along the Atlantic coast, when the storm roars and the waves beat high, will tell you that whenever there is a storm and a ship is on the rocks or strikes the bar, these men, taking their lives in their hands, go out in their lifeboats to save the ship and the human lives aboard; and when they go out in the breakers they do not know that they will ever return alive.

Mr. Chairman, I trust that the gentleman from Minnesota, who has been extremely liberal in appropriations for almost every conceivable purpose, will do something to increase the salaries of the men employed in the life-saving stations along the coasts of the United States. It seems to me it would be only just and fair to give them an increase of at least 25 per cent. They are entitled to more pay; they deserve it. They are getting the same pay now that they got when the original act was passed over twenty years ago, while the price of the necessities of life during that time has increased over 35 per cent. So while they are getting the same pay they got twenty years ago, they are paying for everything they have to buy for themselves and families over 35 per cent more than they did then. Hence their pay is now 35 per cent less than it was twenty years ago. What an anomaly! What a spectacle!

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, and at the building to be erected on the grounds of the Jamestown Tercentennial Exposition, near the waters of Hampton Roads, in the State of Virginia, under authority of section 10 of the act of Congress approved June 30, 1906, for an exhibit of the United States Life-Saving Service, at the uniform

rate of \$65 per month each during the period of actual employment, and \$3 per day for each occasion of service at other times; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed \$10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters and purchase of fuel in kind for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, \$1,729,110.

Mr. SULZER. Mr. Chairman, I move to amend, on page 37, line 17, by striking out "sixty-five" and inserting "seventy-five."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 37, line 17, strike out "sixty-five" and insert "seventy-five."

Mr. SMITH of Iowa. I make the point of order against this amendment.

Mr. SULZER. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. But the gentleman from Iowa rises to make a point of order. Does the gentleman make the point of order?

Mr. SMITH of Iowa. I make the point of order against this amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Iowa. The law fixes these salaries specifically. There has been no proposition to change that law, and this is an absolute attempt to change it on an appropriation bill.

Mr. SULZER. Will the gentleman permit me to ask him a question?

Mr. SMITH of Iowa. Certainly.

Mr. SULZER. In your opinion do you think \$75 a month is too much pay for one of the hard-working, heroic life savers?

Mr. SMITH of Iowa. I decline to answer any such question as that. Mr. Chairman, the statute fixes these salaries, and this amendment is not in order.

Mr. SULZER. Mr. Chairman, I am aware of the fact that the law fixes the salaries of the men in the Life-Saving Service at \$65 a month; but when you have to buy the necessities of life and have got to support a family, that is very little. Sixty-five dollars a month will not go as far now as it did a few years ago.

I do not believe the gentleman from Iowa has anybody working out in his State for \$65 a month. Out in Iowa, I understand, the lowest wages paid is \$100 a month. I hope the point of order will not be insisted upon. These life savers along our coast are compelled to do hard and continuous work all hours of the night and day, and I ask now that my amendment be agreed to, so that the salary be increased \$10 a month. That is very little.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLCOTT, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25242) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24987) to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GAMBLE, Mr. BRANDEGEE, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24991) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the confer-

ence asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRYE, Mr. ELKINS, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6906) to provide for the incorporation of banks within the District of Columbia.

The message also announced that the Senate had passed with amendments joint resolution and bill of the following titles; in which the concurrence of the House of Representatives was requested.

H. J. Res. 246. Joint resolution authorizing the President to extend an invitation to the Twelfth International Congress of Hygiene and Demography to hold its thirteenth congress in the city of Washington.

H. R. 11040. An act to authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, \$40,000, of which sum not exceeding \$1,500 may be used for rent of building.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This item carries \$40,000 for the Bureau of Ethnology. The Bureau of Ethnology is now devoting its attention very largely to bringing out the book which has been under preparation for some time, being a complete résumé and description of all the tribes of American Indians. It has been desired that the Bureau shall extend its work far enough to make an examination of Hawaiians and the Samoans, the aborigines in both cases almost having disappeared, and will very soon disappear. But with the amount as stated in this appropriation it will not be possible for the Bureau of Ethnology to make this examination in Hawaii and Samoa. It probably could be done in the course of a year if the committee would give the amount asked for this year, which I think was \$50,000 in the estimates. Would not the gentleman be willing to pass the item or to increase the amount from \$40,000 to \$50,000 under the special circumstances of the case?

Mr. SMITH of Iowa. Mr. Chairman, I may say that two years in succession the Department has sought to extend this investigation to Samoa and both years the committee has deemed it inadvisable to permit such extension. It has already been extended to Hawaii by the modification of this language.

Mr. MANN. Yes; but the money is not sufficient to carry it out.

Mr. SMITH of Iowa. I may say that that is a matter on which there may be a difference of opinion. This Bureau has been at work upon the study of American ethnology for a great many years, and it is the opinion of the committee that there must some time come an abatement of the quantity of new material upon this subject. I would not, so far as I am concerned, consent to consider any amendment favorably to increase this appropriation. The matter was quite fully considered in subcommittee and rejected. If the gentleman says that he has any express or implied understanding with the chairman of the committee, who is now absent for a few moments, I am willing it should be passed.

Mr. MANN. I have no implied or express understanding. I endeavored a while ago to get the attention of the chairman in the hope that I might have an implied or express understanding, but as yet I have none. It is a fact that the Bureau of Ethnology is working on this book, which will not be large in size probably, but which requires great study in reference to every tribe of Indians, both of the past and of the present. This requires an enormous amount of research and work.

While the authority has been given to make the examination of the Hawaiians, the money has not been provided, and it does seem to me that we should have some authentic statement in reference to the aborigines of the Hawaiian Islands, who have almost disappeared, so as to preserve in the archives of the Government that information. I dare say if the appropriation be not increased this year that it will never be obtained.

Mr. SMITH of Iowa. Mr. Chairman, I should greatly regret to have information of so much importance to the world lost, but this Bureau was founded in 1879. It has been receiving appropriations of \$40,000 and upward for the last sixteen years. It does seem to the committee that there ought to be some points at which the original sources of information upon the American

aborigines would approach exhaustion. But apparently this Bureau every year can find an opportunity here at home to spend just as much money upon that old subject as ever it could. We believe that the amount of money heretofore given is available now for the study of the aborigines in Hawaii, because we believe that certainly such progress has been made in the investigation here at home as would warrant a reduction of the expenditure here.

Mr. MANN. My friend from Iowa suggests that the sources of information in reference to the aborigines in America ought to have been exhausted at this time. If he was investigating the source of the information on the subject, I believe it would have been exhausted long ago.

Mr. SMITH of Iowa. The gentleman is certainly correct about that. [Laughter.]

The Clerk read as follows:

For protection of Casa Grande Ruin, in Pinal County, near Florence, Ariz., and for excavation on the reservation, to be expended under the supervision of the Secretary of the Smithsonian Institution, \$3,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York.

Mr. SULZER. Mr. Chairman, I am informed that this appropriation is for the purpose of making excavations in some old ruins in Arizona, to dig up the bones of prehistoric people who died long before the Paleozoic age. [Laughter.] The item expends \$3,000 to dig up the moldy and crumbling remains of people who died thousands of years ago and bring them to Washington to be exhibited in the Smithsonian Institution. I am opposed to legislating away the people's money for these dead and decaying bones while we deny the living a decent livelihood. [Laughter and applause.] If we offer an amendment here increasing the salary of a poor workman \$10 a month, some Republican on the other side gets up and raises the point of order. If we try to get the life savers enough to keep body and soul together and take care of their little families, some Republican on the other side gets up and raises a point of order. And here we see in this bill \$3,000 of the people's money appropriated to be wasted in digging up the remains of people who died thousands and thousands of years ago and who care nothing about what is going on here now or what becomes of their bones. [Laughter.] It reminds me very much of a stanza in a poem that Bret Harte wrote a good many years ago—these objections by the Republicans do. I can not remember all of the poem, but I recollect one stanza in it pertinent to this discussion, which goes about as follows:

Then Abner Dean, of Angels, raised a point of order, when
A chunk of old red sandstone struck him in the abdomen.

[Laughter.]

He smiled a kind of sickly smile, and curled up on the floor;
And subsequent proceedings interested him no more.

[Laughter and applause.]

The Clerk read as follows:

Astrophysical Observatory: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, making necessary observations in high altitudes, repairs and alterations of buildings, and miscellaneous expenses, \$13,000.

Mr. SULZER. Mr. Chairman, I move to strike out the last word for the purpose of getting some information regarding this astrophysical matter. I would like to know from the gentleman from Minnesota for what purpose this appropriation is made?

Mr. TAWNEY. The purpose is expressed in the language in which the appropriation is made.

Mr. SULZER. Has it anything to do with the sun spots? [Laughter.]

Mr. TAWNEY. I can not inform the gentleman.

Mr. SULZER. Mr. Chairman, such ignorance is bliss. But being the chairman of the committee, it seems to me the gentleman ought to know something about what the appropriation is for.

Mr. TAWNEY. I will state to the gentleman that if he wishes to enlighten himself on the subject, and will turn to the hearings before the Committee on Appropriations, he will have a full explanation of that service.

Mr. SULZER. I understand, Mr. Chairman, that this appropriation of \$13,000 is for the purpose of ascertaining just what the sun spots mean—just what is going to happen on account of them—

Mr. TAWNEY. Well, the Committee on Appropriations is not responsible for the understanding of the gentleman from New York.

Mr. SULZER. I asked what the gentleman's understanding was in regard to this matter and he was unable to give it. Who is responsible for that?

Mr. TAWNEY. I said if the gentleman would turn to the hearings he would see.

The CHAIRMAN. The Clerk will read.

Mr. SULZER. One moment, Mr. Chairman. I have the floor.

The CHAIRMAN. The Chair thought the gentleman had concluded.

Mr. SULZER. Not yet. Mr. Chairman, it seems to me that this is an unnecessary appropriation of the large sum of \$13,000 for the purpose of ascertaining, if such a thing be possible, the relations of the sun spots to the solar universe. [Laughter.] Well, now, how did it all come about? A scientist in Pittsburg, when he first observed these sun spots—and he didn't see them in the first place, because some humble person looking through a piece of darkened glass saw these spots on the sun and called somebody's attention to it, and finally it got to the knowledge of the old professor, who got out his telescope and saw the spots, and viewed them with alarm. After carefully considering the phenomenon he deliberately declared that they portended evil; that there would be the greatest electrical disturbances in Pittsburg, Washington, and New York the next day that ever was known in the history of the world. The declaration impressed me. I watched very carefully for these electrical disturbances all that day in Washington, and I was disappointed. I saw nothing and I heard nothing unusual. I can truthfully testify here that during that whole day we had the most calm and peaceful day in the House of Representatives I have ever observed here during my experience. The sun shone as ever, old mother earth looked the same, and there was the same bland and childlike smile on the countenance of dear old Uncle Joe. [Laughter.] No electrical disturbance anywhere, just the same old sun and same old earth. [Laughter.]

Mr. TAWNEY. Well, he made a mistake in the day. He meant to-day.

Mr. SULZER. Mr. Chairman, just a few words more and I shall conclude. Seriously, I have been fighting here to the best of my ability to get a little increase of pay for some poor people working for the Government, and I think it is a waste of the people's money to appropriate \$13,000 to ascertain what the sun spots are going to do to us now or hereafter. [Laughter.]

So far as I am personally concerned, I am not worried. They do not trouble me a bit. I do not think they are going to trouble anybody on this little planet. The other day, in looking up what they portended, going back to the days of the Ptolemys, I found out that these sun spots meant much or absolutely nothing, according to the superstition of the age, because every man who has ever written about them, from the ancient days down to the present time, has differed with everybody else who has written about them—no two astronomers have ever agreed about them—so I take nobody's opinion concerning the matter but my own, and my own opinion is they are there, and that they will stay there until they go away. [Laughter and applause.] And while they are there they are not going to hurt anybody down here; and if they do, then it is time enough for us to appropriate money, and not to find out what these sun spots are, but to take care of the maimed and the injured and the stricken caused by the calamity. [Laughter and applause.] Mr. Chairman, I now move to strike out the paragraph.

The question was taken; and the Chairman announced that the "noes" appeared to have it.

On a division (demanded by Mr. SULZER) there were—ayes 24, noes 72.

Mr. CLARK of Florida. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Florida makes the point of no quorum. The Chair will count. [After counting.] The Chair finds 122 Members present, and the amendment is rejected.

The Clerk read as follows:

Building for National Museum: For completing the construction of the building for the National Museum, and for each and every purpose connected with the same, \$1,250,000: *Provided*, That if the superintendent of buildings and grounds, Library of Congress, now in charge of the construction of the new Museum building and the disbursing of all appropriations made for the work, be at any time incapacitated to continue in such charge, the Board of Regents of the Smithsonian Institution is hereby empowered to take charge of the construction and to disburse appropriations made for the same.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the paragraph beginning on line 23, page 43, down to line 5, page 44, as being new legislation.

Mr. MANN. Will the gentleman reserve his point of order for a moment?

Mr. CLARK of Florida. I will reserve it; yes.

Mr. MANN. I ask the gentleman to do that in order that I

may make a statement. The proviso is subject to the point of order. The present National Museum is being constructed under an appropriation which provides that all of the disbursements shall be made on the order of Mr. Green, who is the architect in charge of the Congressional Library, and who has charge of the construction of the building. Mr. Green's health is not of the best, and he may be required to be absent from the city, and it may be impossible for him to O. K. the vouchers for disbursements. The Board of Regents includes the gentleman from Georgia, Mr. HOWARD, the gentleman from Pennsylvania, Mr. DALZELL, and myself, from the House.

Mr. SHACKLEFORD. How is Mr. Green employed, on a commission or on a salary?

Mr. MANN. I am unable to inform the gentleman.

Mr. TAWNEY. He is employed on a salary.

Mr. SHACKLEFORD. At how much?

Mr. TAWNEY. At \$2,000 a year.

Mr. MANN. Now, Mr. Chairman, I hope in view of the statement the gentleman will withdraw his point of order.

Mr. CLARK of Florida. On the statement made by the gentleman from Illinois I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

The unexpended balance of the sum of \$10,000 appropriated for the fiscal year 1899 by the "Act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898, which was reappropriated by the act of June 30, 1906, is hereby reappropriated and made available for expenses that may be incurred under said act during the fiscal year 1908.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert at the end of line 18:

"To enable the Interstate Commerce Commission to investigate in regard to the use and necessity for block-signal system and appliances for the automatic control of railway trains, including experimental tests, at the discretion of the Commission, of said signal system and appliances only as may be furnished in connection with such investigation free of cost to the Government, in accordance with the provisions of the joint resolution approved June 30, 1906, \$500,000."

Mr. CRUMPACKER. Mr. Chairman, I believe this to be a very important piece of legislation. I am of the opinion that the amendment is too narrow. It limits the inquiry by providing that the Interstate Commerce Commission shall make an investigation of the block-signal system and appliances for the automatic control of railway trains. I think the whole subject, if we have power, of safety devices, of inventions calculated to promote the safety of railroad travel, should be covered by the bill.

Now, I suggest this—and I think it can be done and not make the amendment out of order—eliminate the word "automatic," in the third line, so that it would read: "The use and necessity for block-signal systems and appliances for the control of railway trains." I believe it would broaden the power of the Interstate Commerce Commission if the word "automatic" were omitted. As it is now, there are only two classes of safety devices that the Interstate Commerce Commission will be permitted to investigate, and those are block-signal systems and devices for the automatic control of railway trains. There may be many small devices in existence that, if they were brought to notice, would greatly promote the safety of railway travel, and I wish the gentleman would consent to the striking out of the word "automatic" and allow the Commission to investigate all appliances for the control of railway trains. That would cover automatic control as well.

Mr. MANN. Mr. Chairman, if it were a new proposition I might be willing to consent to what the gentleman suggests; but the amendment which I have offered is in accordance with the joint resolution already enacted into the law, is not subject to a point of order, and I have presented the amendment to the members of the Committee on Appropriations, who have made no objection to it. Therefore I would not feel that I had the right under the circumstances, having called the attention of the Committee on Appropriations to this subject, to widen the scope of this amendment. Hence I would be compelled to make a point of order on any change in the provision.

Mr. CRUMPACKER. Mr. Chairman, I desire to move to amend the amendment by striking out the word "automatic," in the third line.

Mr. MANN. Mr. Chairman, I make the point of order on the amendment.

Mr. CRUMPACKER. Mr. Chairman, I desire to be heard on the point of order. I believe the amendment to the amendment does not violate any rule of the House, and the amendment proposed by the gentleman from Illinois [Mr. MANN],

that the word "automatic" be eliminated, would be in order and would be within the resolution that the amendment refers to. The provision would then provide for the investigation of block-signal systems and appliances for the control of railway trains, and under the resolution that is referred to in the amendment I am confident a provision with the word "automatic" out would be in order. I have no doubt about it. It is not necessary that an amendment be in the exact words of the statute if it comes within the scope of the statute. That is all the rules of the House require.

The CHAIRMAN. Will the Clerk report the amendment offered by the gentleman from Indiana?

The Clerk read as follows:

In line 3 of the amendment strike out the word "automatic;" so as to read: "For the control of railway trains."

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MANN. Mr. Chairman, the joint resolution provides for the investigation, etc., of block-signal systems and appliances for the automatic control of railway trains. That means the automatic control. If the word "automatic" is stricken out and "control" is left, that would include many things which are not included by the provisions of the joint resolution. And it seems to me that if—although it is in accordance with the provisions of the joint resolution, etc.—the word "automatic" were stricken out, the amendment would be subject to a point of order; and if the amendment with the word "automatic" out has been subject to a point of order, I take it that striking the word out is subject to a point of order.

Mr. CRUMPACKER. I believe that is the proper test. Suppose the amendment had been offered by the gentleman from Illinois [Mr. MANN], in the first instance, with the word "automatic" out; would it have been subject to a point of order? I do not think it would under the resolution which he read. I repeat that it is not necessary that a resolution or a provision be in the exact terms of the authorizing statute, so that it comes within the general terms of the statute, and the construction that would be given the provision would be in the light of the resolution originally authorizing the investigation.

The CHAIRMAN. I would like to ask the gentleman from Indiana [Mr. CRUMPACKER] whether or not his description, by striking out the word "automatic" here, would not let in a great many things? That is, would not the scope of the investigation be much wider and more extended than if the term "automatic" is included?

Mr. CRUMPACKER. If the Chair please, the resolution or amendment says it shall be in accordance with the resolution that the gentleman read. That resolution is a part of the amendment, so that the investigation of appliances for the control of railroad trains would be construed to be the appliances provided for in the resolution conferring authority upon the Interstate Commerce Commission to make the investigation in the first place and for which this appropriation is to be made.

Mr. TAWNEY. Will the gentleman from Indiana permit an interruption for a question?

Mr. CRUMPACKER. I will.

Mr. TAWNEY. I would like to ask the gentleman from Indiana [Mr. CRUMPACKER] if it is not a fact that this amendment changes entirely the character and extent of the investigation which the joint resolution authorizes the Interstate Commerce Commission to make—changing it from a limited investigation to an unlimited one.

Mr. MANN. Before the gentleman answers that question, I will be glad if he will answer another with it. Does the gentleman believe that striking out the word "automatic" and inserting the rest would permit the investigation of headlights?

Mr. CRUMPACKER. I do not know; I think it would. That is, if the original law were broad enough, but we are discussing this point of order.

Mr. MANN. I understand. That is on the point of order I asked.

Mr. CRUMPACKER. Striking out the word "automatic," it would authorize the investigation of the subject of headlights unless it be limited by other provisions of the amendment. Now, the amendment provides for an investigation in accordance with the provisions of joint resolution approved June 30, 1906. So the kind of appliances that might be investigated would be the kind of appliances described in the resolution of June 30, 1906, because the amendment expressly so provides.

Mr. MANN. Now, Mr. Chairman, it is perfectly clear that under the original resolution the Commission would have no authority, for instance, to investigate headlights, which can not be automatic appliances for the control of railway trains. Thus far I know of no way of making an automatic headlight, so that I think the striking out of the word "automatic" would per-

mit an investigation of headlights. It would make the amendment subject to the point of order. Now, what does the amendment which I offer propose? It follows the language of the resolution except as to experimental tests. It is limited to those which are furnished free of cost to the Government, and then, as a mere matter of reference, refers to the joint resolution. I take it that it is merely descriptive, often inserted in statutes for the purpose of directing attention of the parties to the place where the authority came from, and the appropriation here is described at the head of the amendment.

The CHAIRMAN. The Chair thinks the matter is not entirely free from doubt, but is inclined to sustain the point of order.

Mr. KENNEDY of Nebraska. Mr. Chairman, I ask to have the amendment reported again.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. CRUMPACKER. Mr. Chairman, the amendment is debatable. I only want to say a word or two upon it. I simply want to express my disappointment because the investigation is limited to only two particular subjects—the investigation of block-signal systems and devices for the automatic control of railroad trains. The question of adopting safety appliances for the promotion of the safety of travelers on the railways is a vital question, one that interests every person in the Republic; and I believe the Interstate Commerce Commission ought to be authorized to make a careful, a scientific, and a thorough investigation of all devices that may seem to possess any merit that may possibly add to the safety of the railroad service and promote the safety of travel on railroad trains.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding compliance with the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, including the employment of inspectors to execute and enforce the requirements of the said act, \$100,000; said inspectors shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General.

Mr. PERKINS. I move to strike out the last word.

Mr. MANN. I reserve the point of order.

Mr. PERKINS. The point of order is reserved; so that I make the motion in order to get some information in reference to the clause.

Mr. Chairman, just a moment ago we adopted an amendment appropriating \$50,000 to investigate certain safety appliances. It was said, and justly said, that the prevalence of accidents upon our railroads seems to increase instead of diminish. Now, I would like to ask the gentleman in charge of the bill in reference to this appropriation. As I understand, since 1893, for fourteen years, there has been an annual appropriation of \$100,000 which has been paid for the employ of men whose duty it has been to see whether the railroads complied with the act to promote the safety of employees and travelers. Does the gentleman think that the results of the investigation as to the safety of employees and travelers have been such as to lead us to believe that this great appropriation during the long period of years has been accompanied by any useful results? Why is it, after all these years, they have this very day made a special appropriation of \$50,000 to investigate one thing that might increase the safety of travelers and employees?

Mr. SMITH of Iowa. While it may not be material, the gentleman is in error as to the magnitude of the appropriation in prior years.

Mr. PERKINS. It is a hundred thousand dollars this year.

Mr. SMITH of Iowa. The appropriations have been rising and the force increasing, and it has not been, as the gentleman suggests, \$100,000 during past years.

Mr. PERKINS. Will the gentleman allow me one question, if it will not interrupt him? The gentleman says the appropriations have been increasing. Has there been any increased safety either to employees or travelers that has accompanied the increase in the amount paid for inspectors whose duty has been, as prescribed by the act, to bring about that result?

Mr. SMITH of Iowa. I will answer the gentleman with pleasure. The law referred to in this appropriation is the law providing for automatic couplings and air brakes.

Mr. PERKINS. Is that all that is provided by the law?

Mr. SMITH of Iowa. That is substantially all that is covered by the law.

Mr. MANN. And handholds, and everything of that kind.

Mr. SMITH of Iowa. That is substantially what is covered

by the statute referred to in this section. If the gentleman now asks me whether or not the enforcement of the law for automatic couplings and air brakes has had any effect to increase the safety of employees or travelers, I answer him that the record shows that it has enormously decreased the injuries to employees.

Mr. PERKINS. I do not question that statement for a moment.

Mr. SMITH of Iowa. And this is an appropriation for the necessary inspectors to see that those laws, which primarily require the automatic coupling and the air brake and some minor matters, as suggested by the gentleman from Illinois, are enforced and obeyed; and no money has been more wisely invested by the Government, if human life and human blood are to be estimated of any worth. Now, the law is being fairly well enforced with reference to those types of safety appliances. The vast increase in travel and in the transportation of freight has brought about other dangers and many disasters. We seek by the resolution that has been heretofore passed, and by the amendment which has just been put into the bill on the motion of the gentleman from Illinois [Mr. MANN], to avoid other dangers to the public which are of the utmost importance to be avoided. While these laws heretofore passed have proven highly effective and these means of enforcing these laws have been excellent, new questions have arisen. The crowded condition of the railway tracks imperils the lives of our people, and we now want something that, unlike the human mind, will never flag, will never become dazed, will never fail to act, but something which automatically and mechanically will protect the safety of our people. That is what we are in search of now, and this has no relation to the appropriation covered by the item to which the gentleman has just referred.

Mr. PERKINS. I entirely sympathize, as every Member of the House sympathizes, with the objects that we all seek to obtain; but still I am desirous of a little information as to how far the money that we are spending is judiciously spent with a profitable result, and so I would ask the gentleman, who says that the act of 1893 prescribes the use of only two appliances—

Mr. SMITH of Iowa. And some minor ones.

Mr. PERKINS. Which I suppose have been adopted by every railroad system in the United States, have they not?

Mr. SMITH of Iowa. In general; yes.

Mr. PERKINS. I ask the gentleman how many employees are paid under this provision for which we appropriate \$100,000 a year?

Mr. OLMSTED. And what they do?

Mr. SMITH of Iowa. There are in the neighborhood of twenty of these employees.

Mr. PERKINS. Twenty, at \$5,000 apiece?

Mr. SMITH of Iowa. Oh, no; this includes their traveling expenses. You understand that even if the Government could have obtained free transportation in years gone by it was not deemed desirable to give notice to railway employees that "here comes the inspector"—

Mr. TAWNEY. Or to railway officials either.

Mr. SMITH of Iowa. And so perhaps defeat the very purpose of the inspection, and it has always been the practice, therefore, to pay the full fare of all these inspectors, as well as their salaries and their subsistence.

Mr. PERKINS. That is entirely proper. I would like to ask the gentleman if he thinks it is necessary, with reference to improvements that have come into general use, to keep twenty men in constant employ to see whether or not such things as these couplers, which every man can see are used, are being used by the railroads?

Mr. SMITH of Iowa. I will say that twenty men to cover the United States and see that these automatic couplers are kept in repair and are actually used as automatic couplers, to see that the requisite percentage of cars is equipped with the air brake, and that the air brake is actually used, is indeed a scanty force for this country.

Mr. MANN. Last year I tried to get the number increased.

Mr. CLARK of Florida. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. I make the point of order that there is no quorum present.

Mr. PERKINS. Mr. Chairman, I think the gentleman from Florida can not take me off my feet.

The CHAIRMAN. The point of no quorum can be raised at any time. The Chair will count. [After counting.] The Chair feels sure that all the Members in the House have been counted, and eighty-six are present.

Mr. WILLIAMS. I suggest that the chairman move that the committee rise.

Mr. TAWNEY. I will say to the gentleman from Mississippi that it was the desire of the committee to continue reading this bill until 7 o'clock in the hope of getting through it as fast as we possibly can. The bill is a very large one and will take considerable time. There are important items in it that will have to be discussed, and in the next hour we can pass over in the neighborhood of forty or fifty pages before reaching those items upon which there will be very much controversy.

Mr. GAINES of Tennessee. Why not have a night session?

Mr. TAWNEY. It is impossible under the present condition to have a night session. If we were to rise and take a recess it would be impossible to get back into Committee of the Whole, because we would not have a quorum.

Mr. GAINES of Tennessee. Oh, certainly there would be a quorum.

Mr. TAWNEY. We would not have a quorum of the House, and it requires a quorum of the House to go into Committee of the Whole. I hope the gentleman from Florida will withdraw his point of no quorum and let us go on for an hour at least.

Mr. WILLIAMS. Mr. Chairman, I merely rise for the purpose of requesting the gentleman from Minnesota to move that the committee do now rise.

The CHAIRMAN. Enough Members have come into the Hall so that the Chair has been able to count 101 present. A quorum is present, and the Clerk will read.

Mr. WILLIAMS. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 13, noes 90.

Mr. WILLIAMS and Mr. CLARK of Florida demanded tellers.

The CHAIRMAN. Fourteen gentlemen have risen, not a sufficient number, and tellers are refused. Does the gentleman from Illinois press his point of order?

Mr. MANN. I will withdraw the point of order and move to strike out the last word. As to this portion of the item providing for the examination by safety-appliance inspectors of railway mail cars, what is the purpose, and has the appropriation been increased somewhat this year, so that there will be an increase to provide for this matter?

Mr. SMITH of Iowa. I may say, Mr. Chairman, that under the law, as the gentleman is aware, the railway mail clerks do not have the protection and rights of passengers. They are subject to more hazards than the ordinary passenger, without his rights. It is strenuously contended by the railway mail clerks that many dangerous mail cars are operated in the United States. A movement has been started to secure a distinct force of inspectors for the purpose of investigating the safety and adaptability of these cars and to look after the safety of the railway mail clerks. It seemed to the committee that as the Government already had a force of skilled inspectors—mechanical inspectors—that possibly if they as they travel about the country could inspect these mail cars and their reports were then forwarded by the Interstate Commerce Commission to the Post-Office Department, the entire control of the situation remaining in the Post-Office Department, it simply availing itself of the information furnished, the great expense to the Government of appointing a new force of mechanical inspectors might be saved.

Mr. MANN. The gentleman refers in the bill to the adaptability. Does the gentleman think that these safety-appliance inspectors are the proper persons to judge of the adaptability of the inside of a car for postal service, or is it simply intended to cover the construction of the car?

Mr. SMITH of Iowa. In the first place, these inspectors are not to judge of anything. They are to report conditions.

Mr. MANN. Well, that means judgment.

Mr. SMITH of Iowa. The Post-Office Department will judge of the adaptability of the interior arrangement, but the purpose is simply to have these mechanical experts report as to the adaptability, as to the strength, and like things, in order that the Post-Office Department may utilize that information without additional cost to the Government.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

Contingent expenses. Independent Treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, \$240,000.

Mr. KEIFER. Mr. Chairman, there has been an understanding here for some time with a number of gentlemen that the next paragraph should be passed over without prejudice. I refer to the paragraph relating to the transportation of silver

coin. I ask unanimous consent that it be passed without prejudice.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the next paragraph may be passed without prejudice. Is there objection?

Mr. CLARK of Florida. I object.

The CHAIRMAN. The gentleman from Florida objects.

Mr. KEIFER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. WILLIAMS. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The Chair has recognized the gentleman from Ohio. He asked for what purposes the gentleman from Ohio rose.

Mr. WILLIAMS. Mr. Chairman, it is always in order to suggest the absence of a quorum, because if we have no quorum we can not do business, not even to listen to the gentleman from Ohio.

The CHAIRMAN. The gentleman from Mississippi is quite right, and the Chair will again count.

Mr. TAWNEY. Mr. Chairman, before the announcement of the result I desire to make a parliamentary inquiry. Is it not competent for the Chair to count Members who are in the cloakrooms?

The CHAIRMAN. The Chair has counted the head of every Member looking out of the cloakrooms that is visible, and the Chair finds eighty Members present; not a quorum.

Mr. WILLIAMS. Mr. Chairman, I demand the regular order.

Mr. PAYNE. The regular order is to count, and I hope the Chair will keep on counting.

Mr. WILLIAMS. The Chair has announced the count.

The CHAIRMAN. The Chair will state to the gentleman from Mississippi that the regular order would be to call the roll to ascertain the absentees and to compel the absentees to come into the House. That is the regular order, if the gentleman demands it.

Mr. CAPRON. But I do not understand that we can call the roll in the Committee of the Whole.

Mr. WILLIAMS. The Chair has announced the result; therefore, there is no quorum.

Mr. CLARK of Florida. Mr. Chairman—

The CHAIRMAN. Too many gentleman are seeking to address the House at once.

Mr. CLARK of Florida. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. How many does it take to constitute a quorum in Committee of the Whole?

The CHAIRMAN. One hundred.

Mr. CLARK of Florida. Then there is not a quorum present.

The CHAIRMAN. There is not a quorum present. The gentleman from Mississippi has demanded the regular order, which will be to call the roll and bring in the absentees.

Mr. FITZGERALD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. Is not the roll call for the purpose of ascertaining the names of the Members not present?

The CHAIRMAN. That is right. If the gentleman insists on the regular order, the Chair will order the roll to be called.

Mr. WILLIAMS. Is the Chairman going to call the roll in Committee of the Whole?

The CHAIRMAN. We do that in order to ascertain the absentees, in order that they may be reported to the House, under the rules of the House.

Mr. WILLIAMS. Mr. Chairman, I would suggest to the gentleman from Minnesota that the committee do now rise.

Mr. TAWNEY. I do not see the necessity of that.

Mr. WILLIAMS. Then, Mr. Chairman, I call for the regular order.

Mr. OLMSTED. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OLMSTED. I would like to know whether any point of no quorum has yet been made. I have heard it only suggested.

Mr. WILLIAMS. Oh, yes; the point of no quorum has been made.

The CHAIRMAN. The point of no quorum was made, as the Chair understood, by the gentleman from Mississippi. The Chair has counted eighty Members present. The gentleman from Mississippi has called for the regular order, and the Clerk will call the roll.

The roll was called.

The SPEAKER took the chair.

The CHAIRMAN. Mr. Speaker, the Committee of the Whole House on the state of the Union, finding itself without a quorum,

caused the roll to be called. There were ascertained to be present 116, and I am directed by the committee to report to you the following absentees:

Acheson	Ellerbe	Klepper	Rhinock
Alexander	Fassett	Kline	Rhodes
Allen, Me.	Feld	Knopf	Richardson, Ala.
Allen, N. J.	Fletcher	Knowland	Richardson, Ky.
Ames	Flood	Lacey	Riordan
Babcock	Floyd	Lamar	Rives
Bankhead	Foss	Landis, Frederick	Roberts
Bartholdt	Foster, Ind.	Law	Robertson, La.
Bartlett	Foster, Vt.	Lawrence	Rodenberg
Bates	Fowler	Le Fevre	Rucker
Bede	Fulkerson	Lewis	Ruppert
Beidler	Fuller	Lilley, Conn.	Ryan
Bell, Ga.	Gaines, W. Va.	Lilley, Pa.	Saunders
Bingham	Garber	Lindsay	Schneebell
Birdsall	Gardner, Mass.	Livingston	Scott
Blackburn	Gardner, Mich.	Lloyd	Scroggy
Boutell	Gardner, N. J.	Longworth	Shackelford
Bowers	Garner	Lorimer	Shartel
Bowersock	Gilbert	Loud	Sheppard
Bowie	Gilliams	Lovering	Sherman
Bradley	Gill	Lowden	Sibley
Brantley	Gillett	McCall	Slayden
Broocks, Tex.	Glass	McCarthy	Slomp
Brooks, Colo.	Goebel	McCreary, Pa.	Small
Broussard	Goldfogle	McDermott	Smith, Ky.
Brown	Goulden	McGavin	Smith, Mich.
Brownlow	Graff	McKinlay, Cal.	Smith, Pa.
Brumm	Granger	McKinley, Ill.	Smyser
Brundidge	Gregg	McKinney	Southwick
Buckman	Griggs	McLachlan	Sparkman
Burke, Pa.	Gronna	McLain	Sperry
Burleigh	Gudger	McMorran	Spight
Burnett	Hale	McNary	Stanley
Burton, Del.	Hamilton	Madden	Steenerson
Burton, Ohio	Hardwick	Mahon	Stephens, Tex.
Butler, Tenn.	Haugen	Martin	Stevens, Minn.
Byrd	Hay	Maynard	Sulloway
Calder	Hearst	Meyer	Sulzer
Calderhead	Hedge	Michalek	Talbott
Campbell, Kans.	Heffin	Minor	Taylor, Ohio
Campbell, Ohio	Henry, Conn.	Moon, Pa.	Thomas, Ohio
Cockran	Henry, Tex.	Moore, Tex.	Tirrell
Cole	Hepburn	Morrell	Towne
Conner	Hermann	Mouser	Townsend
Cooper, Pa.	Hill, Conn.	Mudd	Trimble
Cooper, Wis.	Hill, Miss.	Nelson	Tyndall
Coudrey	Hinshaw	Nevin	Underwood
Consins	Hogg	Norris	Van Duzer
Cromer	Holliday	Otjen	Van Winkle
Currier	Hopkins	Overstreet, Ga.	Volstead
Dalzell	Houston	Overstreet, Ind.	Wachter
Darragh	Howard	Page	Wallace
Davey, La.	Howell, N. J.	Palmer	Wanger
Davis, Minn.	Howell, Utah	Parsons	Watkins
Davis, W. Va.	Hubbard	Patterson, N. C.	Webb
Dawes	Huff	Patterson, S. C.	Webber
Denby	Hughes	Pou	Weems
Dixon, Ind.	Humphrey, Wash.	Powers	Weisse
Dovener	Humphreys, Miss.	Prince	Welborn
Draper	Hunt	Pujo	Wharton
Dresser	Jenkins	Rainey	Wiley, Ala.
Driscoll	Johnson	Randell, Tex.	Wilson
Dunwell	Jones, Va.	Ransdell, La.	Woodyard
Edwards	Kellher	Reeder	Young
	Kinkaid	Reid	

The SPEAKER. The gentleman from Indiana [Mr. WATSON], chairman of the Committee of the Whole House on the state of the Union, reports that the committee, having found itself without a quorum, directed the roll to be called, and reports the absentees. It appears that a quorum of the Committee of the Whole House on the state of the Union is present, namely, 116, and therefore, under the rule, the committee will resume its session.

The committee resumed its session, Mr. WATSON in the chair. The Clerk read as follows:

Transportation of minor coin: For transportation of minor coin, \$18,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, minor coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. KEIFER. Mr. Chairman, I wish to resume my application that this paragraph in the bill be passed over without prejudice. I want to say to the gentlemen on both sides of the House, so far as they could be consulted in connection with the committee, this was understood sometime ago in connection with another matter. It is a very important one, and it would take but a very short time to discuss it.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] asks unanimous consent that the second section, on page 48, be passed without prejudice, the section having reference to the transportation of minor coins. Is there objection?

Mr. CLARK of Florida. Mr. Chairman, I object.

Mr. KEIFER. I hope the gentleman will withdraw his objection in view of the importance of the matter and of the situation. The whole committee, so far as I know, understand it in that way.

Mr. CLARK of Florida. Mr. Chairman, I will state to the gentleman from Ohio [Mr. KEIFER] that from now on until the 4th of March there will not be another unanimous consent granted in this House.

The CHAIRMAN. Does the gentleman from Ohio desire to discuss the section?

Mr. KEIFER. I desire to discuss the section and make several amendments. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by inserting after the word "transportation," in line 8, page 48, the following: "of silver coin, including fractional silver coin, by registered mail or otherwise, \$120,000, and."

Mr. KEIFER. Now, Mr. Chairman, this proposition, I submit, if adopted, will be in precise accordance with the legislation in the sundry civil bill for the present fiscal year. It will be in substantial accordance with the sundry civil bills commencing with the year 1881 until this Congress; and I believe it has never been proposed to completely withdraw the patronage of the United States over the distribution of fractional currency or minor silver coin until this year. This is the first year in the history of the coinage of fractional silver that I believe it was even proposed that the Government of the United States should not be instrumental in some way, and in the way of transportation, in distributing fractional silver all over this country. Last year the Committee on Appropriations were good enough to unanimously decide that they were still in favor of the distribution at the Government expense of fractional silver coin. This year they are opposed to it. Some say it is unconstitutional to do this thing. I know no provision of the Constitution that affects it.

Mr. FITZGERALD. Who says so?

Mr. KEIFER. Well, the gentleman asked the question. I will be glad to let the gentleman from Massachusetts answer.

Mr. FITZGERALD. I am asking for information.

Mr. KEIFER. You ask him.

Mr. FITZGERALD. I have not the floor.

Mr. KEIFER. He made that statement, I undertake to say, and I think in your presence.

Mr. FITZGERALD. I think not.

Mr. KEIFER. And standing by your side.

Mr. FITZGERALD. He did not make such a statement as that.

Mr. SULLIVAN. Well, now—

Mr. KEIFER. You suggested it was unconstitutional to carry silver, did you not?

Mr. SULLIVAN. I do not know whether it is unconstitutional for the Government to carry coin at the expense of the Government to the bankers, but it is highly immoral.

Mr. KEIFER. The gentleman is a little evasive in his answer; but let me say Mr. Chairman, that we have been discovering recently that there are a great many immoral things that have gone on from the beginning of this Government up to the present time.

Mr. KENNEDY of Nebraska. Especially in New York. [Laughter.]

Mr. KEIFER. It is said by the gentlemen who live at the side of one of the subtreasuries of this country that they do not want the distribution of fractional silver coin or silver dollars because they can get silver by going across the street, or near by, in their own cities. But over the great territory of the West and the great territory of the South, most of which is remote from the subtreasuries where silver dollars and fractional currency can be obtained, they are cut off absolutely and entirely if we are going to pass this bill in the form it is reported here.

Mr. GAINES of Tennessee. Will the gentleman permit me to interrupt him?

Mr. KEIFER. Certainly.

Mr. GAINES of Tennessee. I helped the gentleman discuss this question a year ago, and I agree with him. Is it proposed as an amendment to the pending bill?

Mr. KEIFER. An amendment is pending now which if adopted will simply continue a condition which has been going on in this country ever since 1881, perpetuated through civil sundry bills passed by Congress.

Mr. GAINES of Tennessee. Payment for the shipment?

Mr. KEIFER. Payment for the shipment of fractional silver and silver dollars.

Mr. GAINES of Tennessee. Now, your amendment is pending? Mr. KEIFER. It is exactly the same as was contained in the sundry civil bill of last year.

Mr. CLARK of Florida. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLARK of Florida. I raise the point of order of no quorum.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KEIFER] has expired.

Mr. KEIFER. I ask unanimous consent to be allowed to continue.

Mr. GAINES of Tennessee. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Ohio be extended five minutes. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, there was a very full discussion of the matter—

The CHAIRMAN. The gentleman from Florida [Mr. CLARK] raises the point of no quorum. The Chair will state that the roll, just called within the last ten minutes, disclosed the presence of a quorum.

Mr. TAWNEY. I make the point, Mr. Chairman, that the point of no quorum made by the gentleman is dilatory.

The CHAIRMAN. The Chair at this time sustains the point made by the gentleman from Minnesota that it is dilatory, because in the opinion of the Chair at this time, so recently after the roll has been called, it is dilatory.

Mr. CLARK of Florida. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. How long after a roll call before it is in order to call the attention of the Chair to the absence of a quorum?

The CHAIRMAN. Well, that depends on circumstances, and the Chair will deal with that question when it comes up. For the present the Chair sustains the point of order made by the gentleman from Minnesota. The gentleman from Ohio [Mr. KEIFER] is recognized.

Mr. KEIFER. Mr. Chairman, I regret to allude to a matter that is purely personal. About a month ago I agreed to go at this hour to the Georgetown University to attend to an important matter in connection with an oratorical contest, and they will very soon be waiting. That is the reason I was very anxious personally that this matter should be passed over. I have no means of notifying them. But I regard the pending question as of the gravest importance to this country. The suggestion has been made before that the Government should not be put to the expense of paying for the keeping out of silver, and when that suggestion was made it was answered. By reason of this provision we are now keeping in circulation about \$85,000,000 of the \$560,000,000 silver that the Government has coined. At the last report, on the 1st of February, 1907, we had about \$5,000,000 more in circulation than we had one year before. We have been able from year to year to utilize the silver, and there is a disposition which shows clearly that the silver of this country is demanded.

At this very hour, everywhere in the money centers of this country, they are appealing to Congress and to various schemes of the Treasury to get out some smaller currency—something with which to make change, something for convenience, one and two dollar bills, and the silver is the cheapest thing that we have. Gentlemen talk about paying the expense of transportation. Why, we pay the expense of transporting gold from mint to subtreasury. According to the provisions of this very bill, we are providing to pay for carrying paper currency; but when we come to silver coin people seem to have the idea that there is some strange reason why it should be struck down. It is a most important thing to this country that we should maintain our silver dollars on a parity with our gold dollars, and if we are going to lock the silver coin up in the Treasury, it will be disparaged to that extent and will be withdrawn from the useful circulating medium of this country.

Now, as to the fractional silver. We had in circulation in fractional currency, called "subsidiary silver," belonging to the Government, under date of January 1, 1907, \$127,841,368. We had on February 1 in circulation \$124,120,938, and by reason of the deficiency in the appropriation, which they were fearing would come, we went down in the distribution of subsidiary silver coin between January 1, 1907, and February 1, 1907, nearly \$4,000,000 in its circulation. If we now say that henceforth the subsidiary silver coin of this country is to be transported from the custom-houses by the people by whatever means they can get it, within a year we will hear a cry that our subsidiary silver coin has practically gone out of circulation, and we will hear an answering cry.

So that we are to-day not attempting to do only what we attempted in the last sundry civil bill, to wit, to depreciate the usefulness of the silver dollars, but we are proposing to wipe out practically \$127,000,000 more of the subsidiary coin, so far as

getting it to the people is concerned. My amendment, I repeat again, as offered simply puts into the bill that which the law for this year has, and does not increase the amount proposed to be appropriated by a single dollar.

Mr. TAWNEY. Mr. Chairman, I wish to say at the outset that the failure to carry the appropriation for the transportation of fractional silver is the result of inadvertence in making up the bill. I have the original bill from which it was made up, and the committee intended and supposed until now that that item was carried in this bill. It was the purpose of the committee, and no one thought otherwise until now to omit the appropriation of \$125,000 for the transportation of silver dollars. If the amendment of the gentleman from Ohio is voted down, I propose to offer an amendment restoring the item for the transportation of fractional currency.

Now, Mr. Chairman, when this matter was before the committee a year ago the Secretary of the Treasury was interrogated upon the question of the continuance of this practice of paying the expense of transporting the money from the subtreasury to the banks. The Secretary said: "I do not see the occasion for the Government paying for the transportation of silver any more. The reasons that existed in that provision do not exist now."

Now this transportation of silver dollars is primarily, Mr. Chairman, for the benefit of the express companies. It was demonstrated in the hearings and in the debate on this proposition at the last session that the abuses that have grown up under this provision in an appropriation bill has cost the Government thousands upon thousands of dollars every year. The House appropriated \$120,000 for this service in the last sundry civil appropriation act. There was a deficiency of \$10,000 which Congress had previously refused to grant. There is a deficiency estimated now, although we gave them \$130,000 last year. There is an item of deficiency of \$10,000 for the current year, and they estimate for the service \$125,000 for next fiscal year.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. MONDELL. If the Department used this sum and asked for more, why is it not given? Does not that indicate that there is a use for this appropriation and that there is a demand for it?

Mr. TAWNEY. There is certainly a demand for it. If the Government of the United States were to furnish clothing to the people of this country, there would be an enormous demand for an appropriation to pay the expenses of giving it to them, and there would be Representatives on this floor to defend the proposition. The service is a service that the Government is performing for the benefit of the banks of this country. Now the banks pay the cost of transporting the currency. There is no reason why the Government should continue longer the transportation of the silver dollars. At the hearings before the committee at the last session of Congress it was shown that there were cases where a great abuse occurred. One particular case was cited where a bank at Yonkers wanted several thousand silver dollars. They were shipped by the United States express up to Binghamton, 250 miles. Then they were transferred to another express company and shipped 240 miles farther, and then they were transferred to another express company and shipped to Yonkers, traveling a distance of over 500 miles, although the actual distance from the subtreasury in New York to the bank in Yonkers was only 27 miles.

Mr. GAINES of Tennessee. Does the gentleman think it is fair to punish the whole United States because they rob the Government in New York City?

Mr. TAWNEY. We are not punishing anybody by omitting this appropriation. If a bank in the city represented so ably by the gentleman from Tennessee [Mr. GAINES] desires to get \$5,000 from the subtreasury, that bank can obtain the money by paying the expense. That is a convenience to the bank. Why should the Government pay for that convenience any more than it should pay for any other convenience enjoyed by any other individual?

Mr. GAINES of Tennessee. A citizen goes to the bank, the receptacle for the money in the city and the country, and asks for silver money to pay—to whom? The negroes down South, the laboring people down South, who think first of God Almighty, then the Constitution, and then the silver dollar of the daddies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for two minutes. Is there objection?

Mr. CLARK of Florida. I object.

The CHAIRMAN. The gentleman from Florida objects.

Mr. TAWNEY. I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word, and the Chair will recognize the gentleman.

Mr. TAWNEY. Mr. Chairman, we have here the recommendation of the Secretary of the Treasury, a man charged with the responsibility of administration, a man who knows more about the practical operation of this law or the necessity for this appropriation than any man on the floor of this House.

Mr. MONDELL. What does he say?

Mr. TAWNEY. He recommends it.

Mr. KEIFER. Oh, no.

Mr. TAWNEY. At the last session of Congress.

Mr. KEIFER. Oh, no, no.

Mr. TAWNEY. Well, I have the hearings right here. I read:

I do not see the occasion for the Government to pay transportation of silver any more. The reasons that existed for that previously do not exist to-day.

And the hearing proceeds for four pages.

Mr. BURLESON. Will the gentleman yield?

Mr. TAWNEY. I yield to the gentleman from Texas.

Mr. BURLESON. I would like to ask the gentleman if this is not the true state of affairs: Do we not have a subtreasury in the city of New York; also one at Boston, one at Baltimore, and one at Philadelphia? Is it not true that every bank in those sections of the country, being in close proximity to a subtreasury, can secure silver coin at comparatively little expense? In the South and in the West we have no subtreasuries, the banks there being far removed from the subtreasuries, and consequently the burden is much greater on the banks in those sections of the country that want silver coin than upon banks closer to a subtreasury. Is it not unjust and unfair to those sections of the country—the South and West—where we do not have so many subtreasuries, to keep out this provision that was stricken from this bill last year, and not only subject the people there to great inconvenience, but an unjust expense?

Mr. TAWNEY. Why, Mr. Chairman, the logic of that contention would necessarily lead to the Government transporting everything—all classes of money for the banks—because some banks are farther removed from the subtreasury than other banks are.

Mr. SULLIVAN. Or of establishing a subtreasury in every village of the United States.

Mr. TAWNEY. Yes.

Mr. BURLESON. Mr. Chairman, that is the very contingency that I predicted a year ago would arise—that is, if this provision went out there would be immediately an increased demand for the establishment of subtreasuries, and the South, or rather the southeastern section of our country, is clamoring for the establishment of a subtreasury.

Mr. TAWNEY. Yes; and have been for fourteen years—ever since I have been in Congress.

Mr. BURLESON. Yes; and their demand ought to be met. The South ought to have another subtreasury.

Mr. TAWNEY. That may be true.

Mr. BURLESON. And, Mr. Chairman, Texas, for the Southwest, is also clamoring for a subtreasury at this very time, and it ought to have one, and I believe she will get it, unless this provision is again inserted in this bill.

Mr. TAWNEY. But it is not in consequence of a failure to secure a deficiency of \$10,000 during the last year that this demand for a subtreasury is coming up here from the South. The conditions that are demanding that are not related in the least to the proposition of the transportation of silver dollars.

Mr. BURLESON. But I do not agree with the gentleman.

Mr. TAWNEY. It is simply a gratuity to every bank in the United States, and the gentleman from Texas [Mr. BURLESON], as every other man who proposes it, knows that that is the fact, and that is why I believe we should cease appropriating \$135,000 every year for the transportation of silver dollars for the benefit of the banks of this country.

Mr. GAINES of Tennessee. Mr. Chairman, for ten years I have steadily in this House fought for the perpetuation of this appropriation to pay for transporting silver coin, etc. For a number of Congresses we were successful. For the last two or three Congresses we have failed. Why, Mr. Chairman, was it ever inserted in an appropriation or elsewhere? Why was it ever the law? For the reason that the silver dollar, being heavy, it was claimed that it would not *actually* circulate and help to transact the financial business of the country. We all know to a large extent that was the fact before we substituted the silver certificate to represent the *heavy silver dollar*. I want the gentleman from Minnesota particularly to listen now to a few things I am going to tell him. Mr. Chairman, his

party—and I am not going to make a party question or a silver issue here. The subject is way above either; it involves the welfare of a large portion of this country—South and West—which can not get the silver dollar to use in the transaction of their business. The people of the South and West are particularly devoted to the silver dollar as a piece of money for the transaction of business and as a circulating medium. They can not get it under the present law unless, Mr. Chairman, they send away off to some subtreasury for the purpose of getting it, and pay the express charges on it. Recently Secretary Shaw has been South and has been West, and voluntarily said to the people in the Southwestern portion of this country: "If you will get together and agree on a suitable location or city where we can build a subtreasury, I will recommend it." That was done, and Birmingham selected; but the matter was carried before the Ways and Means Committee, and by a nonpartisan vote of 7 to 6, or something like that, it was defeated; so we have only one subtreasury in the South, and that is at New Orleans. The people of Kentucky, Tennessee, and Arkansas, and the whole Southeast must send to New Orleans, where possibly they may get it. The Middle West is in about the same fix.

Mr. GROSVENOR. I want to ask the gentleman who is the authority for saying Secretary Shaw recommended the establishment of another subtreasury?

Mr. GAINES of Tennessee. Well, it was pretty hard to get at exactly what he did say, I will say to my friend from Ohio.

Mr. GROSVENOR. The committee understood from his letter that he thought it was advisable, so far as the interests of the Government were concerned—

Mr. GAINES of Tennessee. I did not catch what the gentleman said.

Mr. GROSVENOR. We construed his letter as undertaking to say, and did say, that, so far as the interests of the Government were concerned, he did not think it was necessary to establish another subtreasury; but then he went on to say that if we did establish one in the Southeast, he thought we ought to establish one or two more in the Northwest.

Mr. BURLESON. I want to ask the gentleman before he takes his seat did he not also say that there ought to be two or three treasuries in the East abolished?

Mr. GROSVENOR. He said if we established any more in the South and Northwest we might with great propriety do away with some of those already existing.

Mr. GAINES of Tennessee. I thank the gentleman from Ohio for the statement he has made. Now, my information, and I have a letter written to me in which Secretary Shaw said—

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I have been interrupted and I am much interested in this. I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, the Secretary, whom we are always glad to hear and entertain royally, went down South. He saw the need of a subtreasury, not for the benefit of the Government possibly, but for the benefit of the commerce of this country, the people who after all in this great Republic are the Government.

Now, then, suppose a subtreasury had been established at Birmingham, where he agreed to establish it, or at Atlanta, which fought so vigorously for it. The people in that section of the country, if they must pay the freight—I want to say to the gentleman from Minnesota [Mr. TAWNEY], who is close to the doors of Chicago—could get the silver at less freight than sending away off to Philadelphia, or to Baltimore, or to the city of Washington, or to Cincinnati, or to St. Louis. As it is, we have no subtreasury where they can even get cheap freight rates to haul these dollars to the people that want to transact their business with them.

Now, then, there is the distinguished gentleman from Ohio [Mr. GROSVENOR] who frequents—and I am glad he does—the South. He has been a great friend, I know, for years in this House of the southern people, their institutions, their wants, and their petitions. I bear personal witness to the fact. He voted to establish a subtreasury in the South. Why? Not because the Government, as such, needed it, but because the people of that country want it, people who are entitled to some of the conveniences and to some of the pleasures of not being oppressed. They have protested against the highway robbery imposed by the express companies, that great monster that has been robbing the Government and robbing the people. In face of this want and this robbery the people ask this pittance, and yet it is denied.

Another distinguished son of Ohio [Mr. KEIFER] favors this appropriation. The laboring people of the South, the negroes of the South, who believe in the silver dollar and want that and nothing else, and the white people of the South and the people of the West want it. And yet in this day of liberal appropriations to do this, that, and the other the commerce of the country is to be curtailed, the people are to be denied the money they want and that they are entitled to have because express companies charge too much for hauling it. And yet the committee comes along and omits the usual appropriation, and now, I believe, goes a step further in this bill and says that if the bank puts so much money in the treasury or treasuries the Government will haul the small silver coins only. How can they do so in Nashville? There is no treasury or subtreasury there. How can they do it in Memphis? There are none there. How can they do it in Atlanta? There are none there. How can they do so in Florida? There are none there. How in Alabama? There are none there. How in Louisiana? There are none there. How in Arkansas? None there. How in the Middle West? None there. Where are we going to find a treasury or subtreasury in these sections South and West, I will ask my friend from Minnesota [Mr. TAWNEY]? There are no treasury conveniences there. And yet you would have the people, before they could get the benefits of the hauling of even these little silver coins, put them in a place that the gentleman himself knows does not exist in these sections, thus requiring them to meet an impossible condition and without the people's fault.

Mr. KEIFER. Mr. Chairman, I understand that the gentleman who has made the objection to letting this paragraph go over withdraws his objection. I renew the motion that it go over.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. GAINES] yield to the gentleman from Ohio [Mr. KEIFER]?

Mr. GAINES of Tennessee. I yield the floor to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Chairman, I make the motion that it go over.

The CHAIRMAN. The gentleman from Ohio moves that the paragraph go over without prejudice until to-morrow, and that his amendment be pending when the paragraph is again called up. Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Chairman, I now suggest, but in no dilatory spirit, but because my eyes seem to convince me, that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point of no quorum. Does the gentleman state that he does this sincerely and not in a dilatory spirit?

Mr. WILLIAMS. I say it because after an effort to count the membership present I can not count a quorum.

Mr. TAWNEY. I desire to say that there is a quorum, not on the floor, but that the gentlemen are down in the restaurant getting their dinners.

Mr. WILLIAMS. I never yet heard the quorum in the restaurant being counted.

Mr. TAWNEY. And we will have a quorum inside of five minutes.

Mr. WILLIAMS. They ought to be here to listen to this bill, and listen to what is going on, if they are in the restaurant now.

The CHAIRMAN. The gentleman says he makes the motion in sincerity and not in a dilatory spirit, so the Chair will count. [After counting.] The Chair has counted 104 gentlemen; a quorum is present. The Clerk will read.

The Clerk read as follows:

General inspector of supplies for public buildings: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, who may be required to inspect public buildings under the control of the Treasury Department, and report on the efficiency of the custodians' forces, and the use of fuel, lights, water, miscellaneous supplies, and so forth, \$3,000; and for actual necessary traveling expenses, not exceeding \$2,000; in all, \$5,000.

Mr. PERKINS. I reserve the point of order on the section last read. I reserve it from the fact that on the face it seems that the point of order ought to be good. It is on page 50, for inspector.

The CHAIRMAN. What is the point of order?

Mr. PERKINS. The point of order is that it is new legislation, and the reason I make it, I will state to the gentleman from Minnesota, is this: Here is a provision that, Mr. Chairman, provides for a general inspector to be appointed by the President to inspect public buildings, to ascertain in reference to the custodians' force, the use of fuel, light, water, etc., at an expense not to exceed \$5,000. Now, the next paragraph in the bill authorizes the employment of another person to inspect public buildings, to examine into their requirements for fur-

niture and other furnishings, including fuel, light, personal service, at an expense of \$5,500 a year. So far as I am able to see, Mr. Chairman, it would appear on its face; apparently and avowedly, it is not in order, if he is to be appointed by the President. Then we have two sections providing for the employment of two Government employees whose duties are almost exactly identical. I reserve the point of order in order that the gentleman in charge of the bill may tell us something about this provision. On the face of it it is a double provision for the same work.

Mr. TAWNEY. I think the gentleman from New York is mistaken about that. The duties of the first position relate entirely to inspecting buildings and the appliances; the other relates more especially to the inspection of furniture, supplies, etc. I will say, further, Mr. Chairman, that when the sundry civil bill in the last session of Congress was reported the first item was omitted entirely. I do not pretend to defend it, although we have tried to put it in a shape so that part of the duty heretofore performed by the man under the second paragraph shall be put on the man who is appointed under the first paragraph, and hope to make the place of some use to the Government. The item has been carried for a great many years in the sundry civil bill. It has been knocked out in the House; it has been omitted when reported from the committee; but it always comes back with that item, and the conferees on the part of the House have never yet been able to keep that item out.

Mr. LITTLEFIELD. I would like to inquire why one inspector can not do both things?

Mr. PERKINS. That is just what I wanted to know.

Mr. TAWNEY. One, the inspector of furniture, does not inspect the furniture in the buildings. He is at the factory where the furniture is manufactured. Of course one inspector can not do this. It is impossible, I will say, for one inspector to inspect all the Government buildings in this country. It can not be done with one man. There is, in addition to this, a further inspection force in the Department, under the Supervising Architect; but this man has a roving commission, and is under the direction of the Secretary of the Treasury, and is the only employee of the Government receiving a salary such as he does whose appointment must be confirmed by the Senate of the United States.

Mr. LITTLEFIELD. I would like to inquire why it is—

The CHAIRMAN. The discussion is proceeding in the time of the gentleman from New York.

Mr. LITTLEFIELD. I so understand. I would like to inquire why it is that he is to report on the efficiency of the custodian's force. There is only one that has power to do that all over the country. The second man does not have any such power. I assume that one of the men will travel all over the United States inspecting. Now, while he is traveling, why not inspect the others?

Mr. TAWNEY. He could, and he should.

Mr. PERKINS. I think the chairman of the committee agrees with me in the construction put on the paragraph.

Mr. TAWNEY. I do not think the paragraph is subject to the point of order.

The CHAIRMAN. What authority of law is there for it?

Mr. LITTLEFIELD. Nothing except in the annual appropriation bills.

Mr. TAWNEY. It is an established service, provided for in the appropriations of previous Congresses, and for a great many years.

Mr. PERKINS. I understand that the gentleman in charge of the bill concedes that this point of order has been sustained. Furthermore, let me call attention to the fact that in this section additional duties are imposed, which in itself is new legislation, even if the other were not, and therefore the entire section is subject to the point of order.

The CHAIRMAN. In the absence of special authorization, which has not been produced, the Chair is clearly of the opinion that it is obnoxious to the rule, and the Chair sustains the point of order.

Mr. TAWNEY. That is, to the first paragraph.

Mr. PERKINS. I only made it to the first paragraph.

The CHAIRMAN. The one to which the point of order was made.

Mr. TAWNEY. I understood the point of order was made only to the first paragraph.

Mr. PERKINS. Beginning at line 18, page 50, and ending at line 2, page 51.

The CHAIRMAN. As to that paragraph, the point of order is sustained. The Clerk will read.

The Clerk read as follows:

Inspector of furniture and other furnishings for public buildings: To enable the Secretary of the Treasury to employ a suitable person to

inspect all public buildings and examine into their requirements for furniture and other furnishings, including fuel, lights, personal services, and other current expenses, \$2,500; and for actual necessary traveling expenses, including actual traveling expenses of assistant, not exceeding \$3,000; in all, \$5,500.

Mr. CLARK of Florida. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLARK of Florida. I make the point of order against the paragraph just read, from line 3 down to and including line 11, on page 51.

The CHAIRMAN (Mr. LITTLEFIELD). The Chair understands that this is situated precisely as the other paragraph was with reference to the point of new legislation.

Mr. TAWNEY. No; the situation is not the same, Mr. Chairman. This is an office made necessary by reason of the service incident to the inspection of furniture and furnishings for public buildings which are constructed in accordance with law.

The CHAIRMAN. Is it an office created by law, other than the annual appropriation bill?

Mr. TAWNEY. I do not think it is.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For assistant inspector of furniture and other furnishings for public buildings, \$1,600.

Mr. CLARK of Florida. I make the point of order against lines 12 and 13, on page 51.

The CHAIRMAN. The Chair will inquire of the chairman of the committee whether it is subject to the same legal construction?

Mr. TAWNEY. It is.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric-light fixtures for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, exclusive of personal services, except for work done by contract, \$352,500. And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Mr. CLARK of Missouri. Mr. Chairman. I move to strike out the last word for the purpose of getting some information. How did the committee arrive at the conclusion that it would take \$352,500 to do this particular thing?

Mr. TAWNEY. This is an appropriation for the furnishing of new public buildings, and the appropriation is made upon a careful estimate of the Department.

Mr. CLARK of Missouri. You have an itemized account somewhere, have you?

Mr. TAWNEY. I can not say that we have the statements specifically itemized, but we had the Supervising Architect before us and he gave us this information:

The CHAIRMAN. The next item is on page 88, "Furniture and repairs of furniture," and I observe that the estimate for 1908 is \$352,500, as against \$495,400.

Mr. LUDLOW. Yes, sir.

The CHAIRMAN. A material reduction in the appropriation?

Mr. LUDLOW. Yes, sir; we have been informed by the Supervising Architect's office that there will be only two buildings that will be furnished this year, and those are the buildings at Baltimore and Seattle.

The CHAIRMAN. Only two buildings to be furnished this year?

Mr. LUDLOW. Yes, sir.

The CHAIRMAN. In the fiscal year 1908?

Mr. LUDLOW. Yes, sir; that is all we have an estimate for. There will be eight buildings, but I did not change the estimate.

The Chief Clerk of the Treasury Department is the man who has supervision of the purchase of furniture, and also of the repairs to furniture, and it is upon the information that he furnishes in regard to the matter that we have made this recommendation.

Mr. CLARK of Missouri. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Fuel, lights, and water for public buildings: For the purchase of fuel, steam, light, water, water meters, ice, lighting supplies, electric current for light and power purposes, and miscellaneous items for the use of the custodian's forces in the care of the buildings, furniture, and heating, hoisting, and ventilating apparatus, and electric-light plants, exclusive of personal service, and for expenses of installing electric-light plants, electric-light wiring, and repairs thereto, in such buildings completed and occupied as may be designated by the Secretary of the Treasury, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, inclusive of new buildings, \$1,350,000. And the appropriation herein made for gas shall include the rental and use of gas governors, when ordered by the Secretary of the Treasury in writing:

Provided, That no sum shall be paid as rental for such gas governors greater than 35 per cent of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. No portion of the amount herein appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter.

Mr. MANN. Mr. Chairman, I reserve a point of order on the last sentence. I want to ask the chairman of the committee what is the purpose of making a positive statement here that no portion of the amount appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter?

Mr. TAWNEY. The purpose of this is to prevent the making of contracts for pneumatic-tube service that properly belongs to the Post-Office Department. That should be made out of the post-office appropriation.

Mr. MANN. I thought that possibly the Department might conclude, when putting in conduits for other things, to put in a conduit for pneumatic-tube service.

Mr. TAWNEY. I will say to the gentleman that the committee has recommended to the House a provision authorizing an investigation of the advisability of a pneumatic-tube service between the Capitol and the Government Printing Office and other Departments and to report at the next session of Congress.

Mr. MANN. I withdraw the point of order.

Mr. CLARK of Florida. Mr. Chairman, I renew the point of order.

Mr. TAWNEY. What is the gentleman's point of order?

Mr. CLARK of Florida. That it is new legislation, as I understand it.

Mr. TAWNEY. It is not new legislation; it is a limitation upon the appropriation.

The CHAIRMAN (Mr. LITTLEFIELD). Does the gentleman from Florida wish to be heard upon the point of order?

Mr. CLARK of Florida. I do not.

The CHAIRMAN. The Chair is of opinion that it is a limitation, and overrules the point of order.

The Clerk read as follows:

Hen and Chickens light vessel, Buzzards Bay, Massachusetts: For completing the construction, equipping, and outfitting complete for service, a steel, steam, self-propelling light vessel, with a steam fog signal, \$65,000.

Mr. MANN. Mr. Chairman, I move to strike out the words "Hen and Chickens." The authorization is for a light vessel at the entrance to Buzzards Bay to take the place of the Hen and Chickens light vessel. It might not be located at that exact place.

Mr. SMITH of Iowa. I see no objection, Mr. Chairman, to the proposed amendment, but I want to say that the language of the item is that proposed by the Department.

Mr. MANN. I understand.

The amendment was agreed to.

The Clerk read as follows:

Milwaukee breakwater and harbor of refuge, Wisconsin: For establishing a light and fog signal on the Milwaukee breakwater, Lake Michigan, Wisconsin, \$50,000.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by adding after the word "dollars," in line 17, page 61, the following: "Provided, That this amount and that hereafter appropriated and the authorization to contract therefor is hereby made available, applicable, and in force for the establishment of said light and fog-signal station on the south end of the proposed extension of the breakwater, harbor of refuge."

Mr. SMITH of Iowa. Mr. Chairman, I have no objection to the adoption of the amendment.

The question was taken; and the amendment was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I would like to inquire of the chairman of the committee if establishing a light and fog-signal station on the Milwaukee breakwater, Lake Michigan, is for the initial establishment of that station?

Mr. SMITH of Iowa. It was authorized by the act of Congress last year.

Mr. CLARK of Florida. Authorized by existing law?

Mr. SMITH of Iowa. Yes. If the gentleman had observed the language of the amendment just adopted he would see that it slightly changes this location.

Mr. CLARK of Florida. I gathered from the reading of the amendment that there had been some legislation on the matter.

Mr. SMITH of Iowa. It has been authorized.

Mr. STAFFORD. The reason for the amendment is a provision in this year's river and harbor bill extending the breakwater a thousand feet southerly. This light and fog-signal station was authorized last year to be located on the present southerly end of the breakwater. The location having been defined, and a change in the breakwater and the site of the proposed light having been decided upon, it is necessary to make available

and effective the authorization and the appropriation for the new site that this amendment be adopted, else the light would not be erected, as the present end of the breakwater would be entirely unsuitable to the needs of navigation after it will be extended 1,000 feet. No more money will be needed by virtue of the changed location, merely a new site made necessary by the extension of the breakwater.

The Clerk read as follows:

Martins Reef light vessel, northwestern end of Lake Michigan, Michigan: For completing the construction, equipping, and outfitting, complete for service, of a steel, steam self-propelling light vessel, with a steam fog signal, \$20,000.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 62, lines 14 and 15, strike out the words "steel, steam self-propelling;" and before the word "fog," strike out the word "steam."

Mr. MANN. Mr. Chairman, the reason of this is that since the estimates came in some information has come to the Light-House Board which I think renders this necessary. This is for a light vessel which costs \$45,000, much less than the usual light vessel would cost. There is already an appropriation for a light vessel on the Lakes that is to cost \$60,000, and it was provided in that act that it should be a steam vessel. The Light-House Board recently called the attention of the Committee on Interstate and Foreign Commerce to the fact that they might want to substitute some other motive power, and we included in the bill that has passed Congress as to the other vessels the authority to substitute some other motive power, and this would leave it in their discretion, as it left in the original authorization.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Pay of office force: For one disbursing agent, \$2,500.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. What about this disbursing agent? What necessity is there for a disbursing agent in every separate division in every Department of the Government? What is the reason that they can not keep the accounts in the Treasury?

Mr. SMITH of Iowa. Well, as I understand that work, this branch of the service is entirely away from the departmental buildings, where it constitutes in effect a separate and distinct office. It is quite customary to have a separate disbursing branch of this kind, and this has long existed.

Mr. CLARK of Missouri. How much money does this Geodetic Survey, or whatever it is, expend altogether—the sum total of it?

Mr. SMITH of Iowa. About a million dollars a year.

Mr. CLARK of Missouri. The other day in some bill they provided for a disbursing agent to disburse \$75,000.

Mr. SMITH of Iowa. I would regard that as a very liberal allowance, to allow a disbursing agent for that amount of money.

Mr. CLARK of Missouri. It would not take me very long to disburse \$75,000 myself, if I had it. I do not see much sense in this business.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Inquiry respecting food-fishes: For expenses of the inquiry into the causes of the decrease of food-fishes in the lakes, rivers, and coast waters of the United States, and for the study of the waters of the interior, the Atlantic, Gulf, and Pacific coasts in the interest of fish culture and the commercial fisheries, expenses of travel and preparation of reports, and for all other necessary expenses in connection therewith, \$20,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 88, line 8, strike out the word "twenty" and insert in lieu thereof the word "twenty-five."

Mr. TAWNEY. Mr. Chairman, I will state that this restores the appropriation that has been heretofore appropriated for this particular branch of the service and has been carried for many years. Since the bill has been reported to the House the committee has had information which has led the committee in charge of this bill to believe it was necessary to restore the amount.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Enforcement of the Chinese-exclusion act: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, \$500,000, which shall be paid from the permanent appropriation for expenses of regulating immigration, and of said sum \$1,000 per annum shall be paid to the Commissioner-General of Immigration as additional compensation.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. Last year, Mr. Chairman, it was disclosed that orders had been given to the Commissioner-General of Immigration not to be particularly active in the enforcement of the Chinese-exclusion act. I desire to ask the chairman of the Committee on Appropriations if he has any knowledge as to whether that order has been withdrawn?

Mr. TAWNEY. I do not understand the order the gentleman refers to.

Mr. FITZGERALD. Last year it was made known that the Commissioner of Immigration had been instructed not to be particularly active in the enforcement of the Chinese-exclusion act. That was very apparent from the hearings.

Mr. TAWNEY. I would say to the gentleman from New York that the subcommittee did not go into the question at all at this session as to the enforcement or nonenforcement of the Chinese-exclusion act. I have no information at all as to what has been done since the hearings.

Mr. FITZGERALD. I assume it was not because the gentleman feared that perhaps the same situation might be disclosed.

Mr. TAWNEY. No; it was not because of any fears, but for lack of time.

Mr. FITZGERALD. At that time the gentleman recollects it seemed a very extraordinary thing that any official should be instructed not to enforce the law.

Mr. TAWNEY. As I now recall, the Commissioner of Immigration, when before the committee a year ago, did not state he had been instructed not to enforce it.

Mr. FITZGERALD. It was not to make himself particularly obnoxious by deporting the Chinamen who were apprehended, and he admitted he had acted upon the suggestion. I have not had the chance to look at the hearings on the question.

Mr. TAWNEY. There is nothing in the hearings on the subject at all.

The Clerk read as follows:

Bureau of Immigration and Naturalization: For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: For chief of division of naturalization, \$3,000; assistant chief of division, \$2,500; two clerks of class 4; two clerks of class 3; four clerks of class 2; six clerks of class 1; four clerks, at \$1,000 each; two copyists, at \$900 each; one messenger; one assistant messenger; and for rent, \$4,000; in all, \$36,460.

Mr. SULLIVAN. Mr. Chairman—

The CHAIRMAN. The Clerk had not concluded reading the paragraph.

Mr. SULLIVAN. I thought the Clerk had finished reading the paragraph which ends on line 2, page 91. I desire to strike out the last word.

The CHAIRMAN. Does the gentleman from Massachusetts desire to call attention to the paragraph in regard to the Bureau of Immigration and Naturalization?

Mr. SULLIVAN. Yes, sir.

The CHAIRMAN. The Chair will recognize the gentleman, because he was seeking recognition. Does the gentleman move to strike out the last word?

Mr. SULLIVAN. Yes; I move to strike out the last word. I should like to have the attention of the chairman of the committee. Was it not the purpose, I would like to ask the chairman, to offer an amendment to this paragraph to restore the salary of the Chief of the Division of Naturalization to \$3,500 instead of \$3,000? I had supposed an amendment would be offered to that effect.

Mr. TAWNEY. I have no objection to the amendment. Since the bill has been reported the Commissioner-General of Immigration has called my attention and the attention of other members of the committee to the fact that this division chief is now performing some very important service. He is a very capable man, and I have no objection to the gentleman from Massachusetts, if he desires, offering an amendment increasing the salary to \$3,500.

Mr. SULLIVAN. I want to know if the gentleman's understanding of the case is the same as mine; that is to say, that the work of this division is of such importance that it requires a very competent man and that the particular chief is a very

competent man and is actually worth \$3,500? The Immigration Commissioner, who is the superior of this division chief, recommends that he receive \$3,500.

Mr. TAWNEY. I think that is the fact. The work is perhaps more important there now because the division is going through a formative period at present, and the salary which he is receiving under the lump-sum appropriation is \$3,600, but I would not consent to making it \$3,600 in the case of this chief of division, because it would be a greater salary than that paid to any other chief of division in the public service.

Mr. SULLIVAN. Mr. Chairman, I withdraw the pro forma amendment and offer another amendment, in line 19, page 90, insert the word "five" after the word "thousand" and before the word "dollars;" so as to read "\$3,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 19, page 20, after the word "thousand" insert "five hundred;" so as to read "\$3,500."

Mr. CLARK of Florida. Mr. Chairman, I make the point of order to the amendment.

The CHAIRMAN. Does the gentleman make it or reserve it?

Mr. CLARK of Florida. I make it.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point?

Mr. SULLIVAN. I would like to have the gentleman from Florida be heard as to the grounds upon which he makes his point of order.

Mr. CLARK of Florida. It is either an increase of salary, or it is a new salary.

Mr. TAWNEY. The point of order comes too late. There has been an amendment offered and debate has already been had on the paragraph.

Mr. CLARK of Florida. I make the point of order, Mr. Chairman.

Mr. TAWNEY. The point of order does not lie even against the amendment to the paragraph after it has been debated.

The CHAIRMAN. The Chair understands that the gentleman from Massachusetts [Mr. SULLIVAN] offered an amendment to this paragraph, and that the—

Mr. TAWNEY. He offers an amendment which increases the salary of the chief of this division. The item itself is subject to a point of order, because it is not a statutory position.

The CHAIRMAN. The Chair thinks so.

Mr. TAWNEY. But a point of order was not made. Debate had been had on this particular item on the pro forma amendment, and amendment had been offered.

The CHAIRMAN. The suggestion of the gentleman from Minnesota [Mr. TAWNEY] is correct, that the paragraph is subject to the point of order.

Mr. TAWNEY. The paragraph is subject to the point of order, because this item is not a statutory position.

The CHAIRMAN. That had not been suggested before, and if the gentleman insists that it is subject to a point of order, then the point of order of the gentleman from Florida [Mr. CLARK] against the amendment of the gentleman from Massachusetts [Mr. SULLIVAN] does not lie and is not well taken.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Suppose the amendment of the gentleman from Massachusetts were adopted or defeated, it does not make any difference which, then has not the gentleman from Florida the right—

The CHAIRMAN. Not at this time, the Chair will state to the gentleman from Missouri [Mr. CLARK], because debate has been had on the paragraph, and the point of order comes too late.

Mr. CLARK of Missouri. Suppose somebody would hop up here and commence debating a paragraph before the fellow that wanted to offer a point of order had a chance to get it out.

The CHAIRMAN. The point of order must also be ready to hop.

Mr. CLARK of Missouri. That would resolve itself simply into an activity of the legs.

The CHAIRMAN. The Chair will state to the gentleman from Missouri [Mr. CLARK] that every presiding officer will give ample opportunity for any Member to reserve the point of order or to make it; but considerable discussion was had on this paragraph before the gentleman from Massachusetts had offered his amendment, and it was not until then that the gentleman from Florida [Mr. CLARK] sought to raise the point of order. Much debate had been had on the paragraph itself before a point of order was raised, and it is a well-known rule that where the paragraph itself is obnoxious to the rule the

point of order will not lie on an amendment which is obnoxious also. Therefore the Chair overruled the point of order made by the gentleman from Florida [Mr. CLARK].

The gentleman from Massachusetts moved to strike out the last word and much debate was had on the original paragraph before he withdrew the pro forma amendment and offered the other amendment. The other amendment, even though it be out of order, is made to a paragraph which of itself is out of order. The Chair overrules the point of order made by the gentleman from Florida [Mr. CLARK]. The question is on the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. TAWNEY. Mr. Chairman, I accept the amendment.

Mr. SULLIVAN. Mr. Chairman, the officer in this case, while performing other duties, was in receipt of \$3,000 per year, and now the adoption of this amendment will result in giving him \$3,500 a year, which is the largest he could receive as chief of division—that is to say, comparing it with other chiefs of division. The gentleman himself is a lawyer and he is about to inaugurate this new system which has been created under the law passed last year establishing a Bureau of Immigration and Naturalization. There is no question but that the service demands a man capable of earning this salary, and this man is one entirely competent to earn the salary. So on its merits it is a proposition the House ought to adopt.

Mr. CLARK of Florida. Mr. Chairman, I now make the point of order to the paragraph as amended.

The CHAIRMAN. The paragraph has not yet been amended.

Mr. CLARK of Florida. I understood the chairman of the committee to accept the amendment.

The CHAIRMAN. The Chair has not so understood. The Chair is about to put the question. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to.

Mr. CLARK of Florida. Now, Mr. Chairman, I make the point of order against the paragraph as amended.

Mr. TAWNEY. I make the point of order that that point of order comes too late.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Minnesota that the point of order made by the gentleman from Florida comes too late.

The Clerk read as follows:

Census Office: To carry out under the Census Office the provisions of the act to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States, approved January 29, 1907, \$150,000, to be immediately available.

Mr. CRUMPACKER. I desire to move an amendment to the paragraph, by striking out the words "Census Office," in lines 9 and 10, on page 91, and inserting in lieu thereof "Bureau of Labor;" and also strike out the subtitle "Census Office" and insert "Bureau of Labor."

The Clerk read as follows:

In line 9 strike out "Census Office" and insert "Bureau of Labor;" and at the end of line 9, and beginning of line 10, strike out "Census Office" and insert "Bureau of Labor."

Mr. CRUMPACKER. Mr. Chairman, this amendment may take some little time in its consideration, and I would like to have it carried over. I ask, therefore, unanimous consent that the paragraph be passed without prejudice.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the pending paragraph be passed without prejudice.

Mr. CLARK of Florida. I object.

The CHAIRMAN. The gentleman from Florida sees fit to object. Does the gentleman desire to be heard on his amendment?

Mr. CRUMPACKER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. CRUMPACKER. This is quite an important proposition. A month or two ago Congress passed a law authorizing the Secretary of Commerce and Labor to make an exhaustive investigation into the industrial, social, moral, and physical condition of woman and child workers in the United States. The investigation is one of a great deal of importance—one that has excited much interest throughout the country—and the investigation ought to be thoroughly made. It ought to be made by the Bureau of the Government that is particularly identified with the subject of labor. The investigation is not statistical or economic; it is rather a sociological, a moral investigation. It contemplates the investigation of the sanitary and the moral and the physical conditions of women and children in the factories and the mines of the country. The Census Office is not adapted to that kind of investigation. The Census Office is essentially a statistical office. It makes census investigations,

census examinations, and reports its conclusions. They are colorless in that they are absolutely free from recommendation, free from bias, and they are valuable only for those who have use for statistics. Now, the labor organizations of the country are insisting that this investigation shall be made by the Bureau of Labor. The President of the United States, my recollection is, some few months ago—I think perhaps during the last term of Congress—addressed a special message to the Congress, asking that this investigation be authorized, and that it be made by the Bureau of Labor because of the fact that the Bureau of Labor is in sympathy with labor.

Mr. TAWNEY. If this will be of any service to the gentleman, I would suggest that he read the letter of the President, recommending that this investigation be made by the Bureau of Labor.

Mr. CRUMPACKER. I thank the gentleman. I had not read the letter published in this evening's paper. It is a letter addressed to the Secretary of Commerce and Labor; and, Mr. Chairman, I will send the letter to the Clerk's desk and have it read in my time.

The Clerk read as follows:

FEBRUARY 20, 1907.

MY DEAR MR. STRAUS: The investigation into the conditions of woman and child labor should, in my judgment, unquestionably be made by the Bureau of Labor. This is not merely a statistical investigation. If it were, it would be eminently proper to have the Census Bureau conduct it; but as it is, the Census Bureau strongly objects to undertaking the work. Director North has protested before the committee dealing with the sundry civil appropriation bill against having to undertake this work, saying that he did not regard himself as in any way competent to carry on the work because of its being of a kind in which he had no experience whatever, adding: "It is a kind of work which is foreign to the whole theory of a census office, and it belongs to the Bureau of Labor." In short, to intrust the work to the Census Office instead of to the Bureau of Labor is to frustrate the entire purpose of undertaking the investigation. The proposed investigation is to bear fruit in legislation, if possible, by the National Congress; if not, then by the State legislatures, in consequence of the publication of the facts produced by the Bureau of Labor—always provided, of course, that the investigation shows the necessity of any legislation whatever.

PRAISES LABOR BUREAU.

I can not too strongly state that, in my judgment, the investigation will be shorn of a very large part of the good results we have a right to expect from it if it is not confided to the Bureau of Labor. Matters concerning labor conditions should properly be investigated by the Bureau of Labor. Any effort to minimize the functions of the Bureau by taking away from it these investigations should not succeed, especially when the real objection to the Bureau is that it has done the work allotted to it in first-rate shape; as, for instance, in the case of the packing-house investigation last spring. It seems to me inadvisable, for every reason, to penalize the Bureau of Labor for the excellent investigations it has made—as, for instance, in this packing-house matter—by taking away from it the right to make such investigations in the future. The Bureau was organized to advance the legitimate interests of labor. I would not for one moment tolerate its acting in a demagogic spirit or its failing to pay just as much heed to the rights and interests of the capitalist who is acting decently as to those of the wage-worker who is acting decently; but I have not seen the slightest symptom of any dereliction of duty by the Bureau or its Chief, Mr. Neill, and it does not seem wise to give the impression that we are penalizing the Bureau because it has in proper fashion sought to represent the labor interests of the country.

Sincerely, yours,

THEODORE ROOSEVELT.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CLARK of Florida. I object.

The CHAIRMAN. The gentleman from Florida objects.

Mr. CRUMPACKER. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word, and is recognized for five minutes.

Mr. CRUMPACKER. Mr. Chairman, I desire to call the attention of the committee to a statement made by the Director of the Census in the hearings before the Committee on Appropriations on this particular proposition. Commissioner North said:

The work which the Census Office has published in this bulletin—

That is, the recent bulletin upon child labor, a statistical bulletin, of great interest and value, recently published by the Census Office—

The work which the Census Office has published in this bulletin, and is about to publish in the bulletin regarding women, completes the investigation of this subject so far as the census methods are concerned. You can readily understand that I mean by that that the census method deals only with the statistics on any given subject and presents its reports without drawing conclusions as to what ought to be done; and the value of a census report depends, in my judgment, upon the success of the compilation in making it absolutely colorless, so far as the expression of any political or religious or any other judgment in regard to what those figures show is concerned. They can only be analyzed from the economic and statistical point of view, if the Census Office is to command the confidence of people of all opinions.

Mr. North further says:

I am speaking about the Census Office, Mr. Chairman. The Department of Labor, or the Bureau of Labor, is, as I understand it, a bureau

established for investigating and reporting upon the welfare of employees of the laboring classes of this country, and the method of that Bureau is partly statistical and partly intensive, as the work has been used. They do go into many phases of investigation which are foreign to census work. They would go into a mine and report the conditions, the atmosphere, the temperature, and other conditions of health, which prevail in that mine.

Mr. TAYLOR. The physical situation.

Mr. NORTH. Yes; and those are phases of work with which the Census Office has nothing to do.

Mr. TAYLOR. And ought not to have anything to do with.

Mr. NORTH. And ought not to have anything to do with. And that is, as I understand it, the phase of this investigation of women and child labor which remains to be done in addition to the publication of these two census bulletins, and it is a phase of the question with which we have nothing to do. Therefore, since we have completed our share of the work, I regret to see that the Census Office has been included in the law just enacted on the subject of women and child labor.

In the law authorizing this investigation it was provided that the Secretary of the Department of Commerce and Labor might utilize the Census Office in making the investigation, and the Director regrets that the Census Office is connected with the subject at all. Further:

The CHAIRMAN. Nevertheless it would be entirely competent for Congress, under this law, and for this committee, in recommending an appropriation for this investigation, to confine it exclusively to your Bureau, would it not?

Mr. NORTH. Congress has power to do almost anything.

The CHAIRMAN. If it did, you have the organization now with which to make the investigation, have you not?

Mr. NORTH. We have, undoubtedly.

The CHAIRMAN. And it does not involve or necessitate the forming of a new organization. You have your organization perfectly formed, and you can work under your present plan and go on with the investigation?

Mr. NORTH. I do not regard myself as in any way competent to direct it, Mr. Chairman, because it is a kind of work with which I have had no experience whatever. It is a kind of work which is foreign to the whole theory of a census office, and it belongs to the Bureau of Labor.

I repeat, Mr. Chairman, if we are to make an investigation of this subject at all, we ought to make an investigation that will be worth something to the country, and the investigation ought to be made under the direction of one who is personally familiar with the subject and who knows the character of investigation that the subject demands. We are not making this investigation simply for the purpose of investigating; we are making it for the purpose of obtaining valuable information in order that the States throughout the country may be advised, so as to direct legislation along proper lines and protect women and children from imposition and abuse in the industries.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman.

Mr. GAINES of Tennessee. I quite agree with you and endorse what you say. I would make it complete, and I am anxious about it. I believe the women and children are suffering; but where have we the power to make a complete investigation? I have asked you that question once before, and I know you conceded—

Mr. CRUMPACKER. The gentleman asked me that question when the original bill was up in the House for consideration.

Mr. GAINES of Tennessee. Yes; I remember I did.

Mr. CRUMPACKER. And I said to him that I did not believe there was any constitutional authority for the investigation; but it is in line with numerous other investigations that the Federal Government is conducting at this time. Now, after that bill was up in the House, the Committee on the Judiciary gave an opinion upon the power of Congress to legislate in relation to women and children in industries, and in that opinion the committee declared that Congress had no power to legislate, but that it did have authority to investigate the subject. I think the investigation is peculiarly important and ought to be made by the Federal Government, because all of the facts in all of the States can be collected and coordinated into something like a systematic whole and they can be of use to the whole country.

Mr. GAINES of Tennessee. I remember I asked the gentleman this question—and I have been away ill, as the gentleman knows, and do not know what the committee has done or what it has reported on in this matter—if a manufacturer (I believe I said a cotton manufacturer) should shut his door in the face of a Government officer, what authority would that Government officer have to make him open that door and to get all the facts about the women and the children who were working in that factory?

Mr. CRUMPACKER. My personal judgment is that he would have no legal authority to compel him to do it.

Mr. GAINES of Tennessee. Then how can he make a complete report?

Mr. CRUMPACKER. There is the moral power.

Mr. GAINES of Tennessee. I grant you that.

Mr. CRUMPACKER. I do not know of any single instance

in the many investigations in which the Government has been engaged where a manufacturer has refused to answer proper questions, in a proper investigation, in relation to his business.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I will yield three minutes of that time to the gentleman from Indiana. The gentleman had not finished his speech when I interrupted him and took his time.

Mr. CRUMPACKER. Mr. Chairman, in relation to the right or the power to make this investigation, I simply repeat what I said to the gentleman before, that there is no constitutional authority that I know of for making the investigation, but the force of universal public opinion is so strong that no manufacturer, no proprietor of any industry, could afford to refuse a Government officer information or refuse to answer proper questions on the subject of his employees.

Mr. GAINES of Tennessee. How does the Bureau of Labor make its investigation? You know they give us books full of figures.

Mr. CRUMPACKER. Under authority that is conferred by the same kind of law. The information is voluntary, and I repeat that no proprietor of any industry has ever refused to give information. It is all voluntary. All of our statistical investigations and information is based upon the same authority. If there is no authority to make this investigation, there is no authority to make any investigation. All of this information is voluntary except the statistical information of population for the purpose of apportioning representation and a capitation tax. I do not think there will be any trouble at all in securing correct data or in making a thorough and correct investigation of the subject, and I do think that the whole investigation ought to be under the control of the Bureau of Labor.

Mr. WILLIAMS and Mr. TAWNEY rose.

The CHAIRMAN. Under the rule the Chair is inclined to recognize some one in opposition to the amendment offered by the gentleman from Indiana.

Mr. TAWNEY. I rose for that purpose, Mr. Chairman, and addressed the Chair before anyone else.

The CHAIRMAN. The Chair will recognize the gentleman from Minnesota, the chairman of the committee.

Mr. TAWNEY. Mr. Chairman, in consideration of this question in the committee we have presented to us this situation: Congress has specifically authorized the investigation into the condition of woman and child labor in this country. Congress, in its wisdom, vested in the Secretary of Commerce and Labor the discretion of having that investigation made under one of three different agencies, or under two of the three combined. He may utilize the Bureau of Labor or the Census Bureau, and then there is something that I do not think any Member of this House knew at the time that we passed the bill—that the law contained language that the Department has construed vests in the head of the Department the power of employing outside agents for the purpose of conducting this intense investigation, as it is called.

Now, it is impracticable to attempt to have this investigation conducted by two bureaus. I do not think it ought to be the policy of Congress to invest the discretion or power to make this investigation in any outside agency. Therefore, as a matter of policy—and it is for Congress to determine the policy under which the new law is to be carried out, making the provision, we have not only the power, but it is our duty to do it—it is impracticable to place that investigation under both the Department of Labor and the Census Bureau. Therefore we selected the Census Bureau, notwithstanding the statement made by the Director of the Census that it does not properly belong to his Bureau. Congress has said that it can be placed under this Bureau. It to-day has an organization, an army of inspectors who are traveling over the country investigating manufacturing establishments. Therefore the investigation by his own men into the conditions of female and child labor employed in these factories comes properly under the jurisdiction of these men and under the Bureau of the Census. True, it is not statistical, but that does not make it impossible for the representatives of the Bureau of the Census to gather the information which the law says shall be gathered or may be gathered in the Bureau of the Census.

Another reason that actuated the committee is the fact that to-day the Census Bureau has all the data in its office respecting the employment of women in this country, except the physical conditions surrounding their employment. Only recently the Bureau of the Census issued a bulletin on child labor, which has entirely dissipated the idea that our manufacturing establishments throughout this country were filled with children who were being crushed to death by heartless manufacturers by showing and demonstrating conclusively that more than two-thirds of all the children employed in this country are employed

on the farm. In view of the fact that they have this statistical information, in view of the fact that they have a force of agents out in the field now gathering statistics concerning manufacturing industries, it was the judgment of your committee that this investigation can be done just as efficiently and done far more economically and with less intensity, perhaps, and less sensationalism, perhaps, than it would be done if it were done by agencies outside of the Government or if it were done by the other Bureau. For that reason we have made the recommendation we have, that this investigation be conducted by the Census Bureau.

Mr. GROSVENOR. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. GROSVENOR. Is it not a fact that the Bureau of Labor, representing, as it does, labor organizations and the labor of the country, would be more inclined to be partisan in the taking of these facts and making this report than an independent bureau that is in no wise connected with labor?

Mr. TAWNEY. I think so. I think, Mr. Chairman, that it is in the interests of the women and children who are employed in the factories of this country to have an impartial, fair, and candid investigation made—one that will disclose the facts without the intensity with which the Director of the Bureau of the Census says it is the purpose to make this investigation.

Mr. WILLIAMS. Mr. Chairman, I merely want to make this suggestion, that it seems to me that this being purely a labor problem, the investigation ought to be made by the Labor Bureau.

Mr. TAWNEY. But it is not a labor proposition. It is not a problem at all affecting labor. It is a social and physical condition surrounding the employment of certain people, and all that is necessary on the part of the man charged with the responsibility of making this investigation is to exercise the intelligence which God Almighty gave him, and he will be able to make an investigation as the law contemplates it should be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, it is true that this is a social problem, a problem of suffering, and a problem to some extent of something worse than that, because it not only kills the little child that is working at an unripe and immature age, intellectually and physically, but it renders those children unfit to become the progenitors of the next generation. There is nothing under the sun that is so saddening to the heart, even of an ordinary man of the world not easily saddened, as to see these poor little listless, vacant-eyed working children sitting around inanely in what ought to be their playtime. But it is a labor problem after all—labor performed by those who ought not to be compelled to labor.

I understand, of course, that the Federal Government has no jurisdiction to correct these ills. All that is purported to be done is to present to the country—to the citizens of the several States—a picture of the evil as it really exists, and in that way to arraign the conscience—the moral consciousness—of the citizens of the several States, and thus have them remedied in the proper forum—the State legislatures—whatever evils may exist. The gentleman has given as a reason why the work should go to the Census Bureau that the Census Bureau would report nothing but the age and the number and the hours—the age of the children and the number of them and the hours of work to be performed by them—the cold statistical facts, in a word.

Mr. TAWNEY. I made no such statement as that. I know the gentleman does not wish to misquote me.

Mr. WILLIAMS. Oh, I am not trying to quote the gentleman literally.

Mr. TAWNEY. But I made no such statement.

Mr. WILLIAMS. But the gentleman made the statement that one reason why the Census Bureau ought to be charged with the investigation was because it would be cold, impartial, statistical statement, if I understood him.

Mr. TAWNEY. I did not say statistical, because the Census Bureau now has all the statistical information that can be obtained. I said it would be an impartial report as to the physical conditions surrounding the employment of these people.

Mr. WILLIAMS. Everybody wants an impartial report. In other words, everybody wants a truthful report.

Mr. TAWNEY. Yes.

Mr. WILLIAMS. And every truthful report will be impartial, but I do not conceive that it is an objection to lodging this power in the Labor Bureau that the Labor Bureau would report something more than the bare, cold, statistical facts, but might report the condition of suffering that exists, the condition of wearing away the young child's life before it has become hardly a life at all.

We want to know the things that would be well to be known, in order to bring about a reform everywhere in the country where reform needs to be brought about. Now, I did not have the happiness of sitting upon the committee and did not hear the facts as the members of the committee did, and I may be totally wrong about this, but it does seem to me that, being a labor problem, affecting the laboring men not of this generation alone, but of the next, because the children of the poor of this generation are the fathers and mothers of the labor of the next, the investigation ought to go to the Labor Bureau.

Mr. FITZGERALD. Mr. Chairman, I think if the committee is informed of the facts, there will not be much misunderstanding nor difficulty in settling this question. I have in my hand a report just issued by the Census Bureau on child labor in the United States, and gentlemen can see it is a somewhat bulky report and contains some 200 pages of printed matter. It contains the information which the Bureau was directed to compile in the act directing the taking of the Twelfth Census. That act directed that in the taking of the Twelfth Census the enumerators should report the occupation of every child 10 years of age and over who was "earning money regularly by labor, contributing to the family support, or appreciably assisting in mechanical or agricultural industry." That is all the Bureau of Census undertook to do. It has done that much, as is apparent from this report, and it is clear that, despite the protest of the Director of the Census, his Bureau is well equipped to obtain and compile the information it is directed to compile by Congress by this provision, and that it can do it in a satisfactory manner.

Mr. CRUMPACKER rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Indiana?

Mr. FITZGERALD. Yes.

Mr. CRUMPACKER. The investigation he has used as the basis for the recent bulletin issued by the Census Office was taken seven years ago. The gentleman has in mind, no doubt—

Mr. FITZGERALD. I am not so sure it was taken—yes; the report states it is based on unpublished information derived from the schedules of the Twelfth Census.

Mr. CRUMPACKER. That they made up in 1900.

Mr. FITZGERALD. That is true.

Mr. CRUMPACKER. And there have been labor laws enacted since then, and conditions may be materially different.

Mr. FITZGERALD. I am simply exhibiting this document to the House to show that, despite the protest of the Director of the Census, his Bureau is competent to obtain whatever character of information he is directed to obtain by law.

Mr. CRUMPACKER. That is purely statistical, however.

Mr. FITZGERALD. If the gentleman will permit me to complete the statement I am trying to make, then perhaps he will be better satisfied.

Mr. SMITH of Kentucky. I would like to ask the gentleman from New York how well equipped the Bureau of Labor is for the work that is proposed under this provision of the bill?

Mr. FITZGERALD. My opinion is that the Bureau of Labor has no organization and no competent force to obtain information of any character.

Mr. TAWNEY. If the gentleman will permit, I will say the Commissioner of Labor himself stated to me that if this was put under the Department of Labor they would have to organize their force entirely anew; and he would have to spend at least six months in going out all over the country to map out the plans of this investigation, so that the work would have to begin at the very foundation of the Bureau of Labor. They have no inspectors for this purpose. They have only two inspectors in the Bureau of Labor, and the work would have to commence from the very beginning, whereas if it was carried on in the Bureau of the Census, they have an organization there now, an organization that keeps the head of the Bureau and the other officials busy trying to get appropriations to keep them in work until time to take the next census.

Mr. FITZGERALD. The act under which it is proposed to make the investigation for which the appropriation is contained in this bill provides for the gathering of other and additional information.

It directs that a report upon the industrial, social, moral, educational, and physical conditions of woman and child workers in the United States be made. That imposes additional labor upon whoever undertakes the work to that imposed upon the Census Bureau in the Twelfth Census. It will have to be obtained by sending enumerators or special agents or inspectors to the places where the women and children are employed, and the information gathered in that way will be compiled and published. The Census Bureau has the force; the Labor Bureau

has not the force. Now, I wish to say just a word regarding this evil.

Mr. SMITH of Kentucky. Now, Mr. Chairman, I would like to ask the gentleman from New York an additional question.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. FITZGERALD. I do.

Mr. SMITH of Kentucky. Did the committee have an estimate as to how much money would be required to equip the Bureau of Labor for this work?

Mr. FITZGERALD. No information, as far as I am informed.

The report upon which this document has been compiled shows that there were 1,750,178 children between the ages of 10 and 15 engaged in some kind of employment; 1,061,971 of those children were engaged in agricultural occupations, and it is not intended to investigate the condition of children so employed; 688,270 were in all other occupations. Of those, 310,826, or nearly one-half, were 15 years of age; 501,849, or over two-thirds, were 14 or 15 years of age, and 186,358 were between the ages of 10 and 13.

Of course, it must be borne in mind, and I desire to state, that there are no statistics compiled here, because the law did not contemplate it, of the number of children under 10 years of age so employed. But it seemed to the committee, with the information before it, that the Census Bureau, well equipped, with no desire to conceal anything, organized for the purpose of collecting all kinds of information of a similar character, could more economically and more efficiently do this work. There is no difference of opinion as to the desirability of preventing child and woman labor under well-known and abhorrent conditions. That question is not before us now. There is only to be determined whether one bureau or another shall collect certain information.

I wish to call attention to the very extraordinary letter which has been read here to-night. It is addressed by the President to the Secretary of Commerce and Labor, but it really is intended for this House. It was issued or given to the public from the White House to-day. In it the President, departing from his hitherto known methods, has attempted to wave in a more direct and open manner the "big stick" and coerce this House into doing his will rather than to have it exercise its own will. He states in that letter that he would not permit the Bureau of Labor to act in a demagogic spirit in conducting this investigation, or tolerate its failing to see that the rights of capital would be equally guarded with those of the wage-worker.

Mr. Chairman, the rights of capitalists are not involved in this investigation. It is designed in order to obtain information regarding the condition of women and children engaged in labor under conditions universally condemned, and the best proof to my mind that the Bureau of Labor would not make an investigation and report that would be impartial and fair is the fact that the President feels it necessary to warn the House that he would not permit it to do anything that would be improper in this investigation. He says that it would not be wise in his opinion to give the impression that we are penalizing the Bureau of Labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent to proceed for five minutes.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes in which to finish his speech.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from New York may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The President speaks of "we," giving the impression that "we" are penalizing the Bureau of Labor. Whom does he mean by "we"? I submit most respectfully that the legislative branch of the Government is the proper branch to determine at this time and upon this bill which particular bureau shall perform this particular work.

The President has his rights. He can communicate his views and opinions upon this matter in a proper or in a more orderly way to this House. If he be not satisfied with the bureau upon which Congress imposes this duty, he can refuse to permit the bureau that Congress will impose the work upon to perform it by vetoing the bill. So far as I am concerned, without any particular resentment against this attempt to shake the "big stick" in my face, I propose to act according to what I believe, with the information before the committee, the best interests of the Government and of the investigation itself. The committee has endeavored to impartially ascertain which particular bureau was best

equipped to do this work—which bureau can do it most effectively, which bureau can do it most economically—which is a matter of some consequence, although it may not appeal to some people in other departments of the Government. The committee has decided this question in favor of the Census Office. I have the confidence that I know other members of this committee have in the integrity and efficiency of the Census Office, and I believe that this committee will give to that Office the work.

How easy it is to understand the protest of the Director of the Census against doing this work when he knew that the Chief Executive was determined to have some other bureau do it if he could have his way. I am not responsible for what the majority of this House will do. I do not know how susceptible it is to the influence of this stick when it is waved so emphatically over their heads; but I trust, for the sake of ourselves and for the dignity of the House, and in order to justify our right to legislate, that we will sustain the committee; that we will determine this question according to our own judgment and at the proper time let the President perform his duty in the manner he deems proper.

I had occasion last year to say that we were coming to that condition when Congress consisted no longer of the two Houses—the Senate and the House of Representatives—but consisted of three Houses—the Senate, the House of Representatives, and the White House. I am inclined to review that opinion. If I were asked to give an opinion now as to what constituted Congress, in the light of this letter I would say that it would appear to consist of one House, and that House was the White House. I hope that this committee will emphatically stop legislation by coercion from the Executive, that it will exercise its own rights and judgment. For once at least let us act truly and without fear. If this investigation is to be conducted, let it be conducted where the work will unquestionably be fairly and impartially done, and whatever the report be it will be a report that will be received with confidence by the country, without the slightest ground for the belief that it has been colored to meet the particular desires or wishes of some person or group of persons.

Mr. TAWNEY. Mr. Chairman, I move that debate on this paragraph be closed in ten minutes, five minutes to be given to the gentleman from Missouri [Mr. BARTHOLOLT] and five minutes to the gentleman from Massachusetts, a member of the committee.

Mr. CLARK of Missouri. I believe I would like to have five minutes in this "shindy" myself.

The CHAIRMAN. The Chair will put the motion. The gentleman from Minnesota moves that all debate be closed in ten minutes, five minutes to be given to the gentleman from Missouri [Mr. BARTHOLOLT]—

Mr. JAMES. I move to amend that by making it fifteen minutes.

The CHAIRMAN. The Chair has not yet stated the question. Five minutes to be given to the gentleman from Missouri [Mr. BARTHOLOLT] and the other five minutes to the gentleman from Massachusetts, a member of the committee.

Mr. JAMES. I move to amend by making it fifteen minutes, and let the gentleman from Kentucky [Mr. STANLEY] have five minutes.

Mr. TAWNEY. I accept the amendment.

The CHAIRMAN. The motion is to close debate in fifteen minutes, five minutes to be given to the gentleman from Missouri [Mr. BARTHOLOLT], five minutes to the gentleman from Massachusetts [Mr. SULLIVAN], a member of the committee, and five minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. MANN. A parliamentary inquiry. I have no objection to the motion nor to asking unanimous consent, but I raise the point of order that in making a limit for debate you can not couple with it a distribution of the time.

The CHAIRMAN. The Chair is inclined to the opinion that the point is well taken, and that it should be done by unanimous consent.

Mr. MANN. I ask unanimous consent that that proposition may be adopted.

The CHAIRMAN. The Chair hears no objection.

Mr. BARTHOLOLT. Mr. Chairman, I merely desire to call attention to the fact that the legislation for which this appropriation is made was passed here a few weeks ago. It was considered in the Committee of Labor, and if I remember right the bill provided that the Secretary of the Department of Commerce and Labor should make this investigation.

I should like to know from my friend, the chairman of the committee, whether the Secretary of Commerce and Labor under this legislation has exercised his judgment in recommending the selection of either the Census Bureau or the Bureau of Labor to make this investigation?

Mr. TAWNEY. I will say to the gentleman from Missouri that the Secretary of Commerce and Labor, or the Department of Commerce and Labor, has not indicated to the committee which of the two bureaus they would prefer to have this work done under, except in so far as the Director of the Census said he did not want it and the Commissioner of Labor said that he did want it. The head of the Department has not made any selection so far as the committee knows.

Mr. BARTHOLDT. I will state for the committee which considered this matter that we never contemplated this work to be done by the Census, because we believed that a Census official merely collects statistics, figures, facts; but he does not go into an investigation of the sociological and economic conditions of women and child workers.

Mr. TAWNEY. Will the gentleman from Missouri permit an interruption?

Mr. BARTHOLDT. Yes.

Mr. TAWNEY. Why, then, did you advocate the bill with this provision in it, giving express authority to the Department to have the work done by the Census Bureau?

Mr. BARTHOLDT. The bill does not say so.

Mr. TAWNEY. I beg the gentleman's pardon. The bill does say so in express terms.

Mr. BARTHOLDT. The bill leaves it discretionary with the Secretary of Commerce and Labor either to select the Bureau of Labor or the Census.

Mr. CRUMPACKER. If it had been contemplated that this work was to be done by the Census Office, the law never would have been enacted, because the Census Office has recently issued a bulletin on this identical subject, covering as large a scope as the Census Bureau is competent to do. It would be merely a repetition.

Mr. LITTLEFIELD. I understood the gentleman to take the ground that this work was out of date.

Mr. CRUMPACKER. Partly out of date.

Mr. BARTHOLDT. Investigations of this kind are being conducted by the Bureau of Labor all the year round, and into all kinds of branches of knowledge, and it comes clearly and particularly within the scope of the activities of that Bureau, and in my judgment and in the judgment of the members of the Committee on Labor, the work should be done by that Bureau and not by the census officials.

Mr. SULLIVAN. Mr. Chairman, the Director of the Census gave to the committee as his reason for not wishing to undertake this work that he has been engaged heretofore in the collection and compilation of statistics; that that work has received the careful scrutiny of political economists and statesmen, and has received their approval. He does not wish to have the value of his work impaired by a work such as this provision contemplates, because of his fear that he will be compelled to leave the region of fact and go to some extent at least into the region of deduction, if not into the realms of fancy. But that very reason itself presents to the Congress the strongest motive for intrusting the duty of collecting the statistics upon this question to the Director of the Census, even against his personal wishes. The country does not wish to be thrilled each day or each week with a new sensation. The country would relish a calm, lucid, sober presentation of facts, if only for a change. The Bureau of the Census would give us that orderly and methodical statement which would furnish a solid foundation for legislative action much better indeed than the work of dreamers and poets, who would prefer to write fiction than to record facts.

Now, the Congress does not need to learn that there are children at work in the factories and mines of the country. We know that. It will always continue so long as human greed continues, unless the strong arm of the law intervenes. Child labor is no new thing, nor is it confined to the Southern or Western States. The State which I have the honor in part to represent had to grapple in its day with the problem of child labor, just as the men of England had to grapple in their day with the problem of child labor and the proper regulation of factories, their sanitation, and other conditions. Human greed causes some employers to make little children work. I regret to say that some of the men who fought most bitterly in the Massachusetts legislature against the reduction of the hours of labor in that State have sent their capital into the Southern States, and paid their lobbies to prevent the enactment of laws to reduce the hours of labor of women and children there.

Avarice is one of the motives which calls for this investigation. The Southern States and the Western States will have to solve this problem themselves. All that we can legally do is to present to the Congress information. Unless we are prepared to take away the reserved powers of the States we must

leave the States themselves, through local legislatures, to deal with the hours of labor of women and children.

I know a gentleman in the other body has said that the report of the House Judiciary Committee is absurd and ridiculous, because it does not happen to agree with his own opinion. I wish that we could have laws regulating child labor. I wish one was in operation in the other branch of Congress. [Laughter.] I think it might operate to reduce the hours of labor and the length of speeches. [Renewed laughter.]

Now, we have heard it stated recently that if the States fail to exercise the power reserved to them under the Constitution, that a way will be found of having the National Government discharge the functions of the State. That proposition was submitted to us from a very high officer—a Cabinet minister in this Administration.

What is sought to be done now? A moral atmosphere is sought to be created by the presentation of a highly colored and dramatic report which may contain much truth and perhaps much that is not true, and that sensational report will be submitted to this Congress, and it will be confidently expected that Congress will be swept off its feet; that it will disregard its constitutional limitations and will pass a law regulating labor in the States.

There is no question but that a report made by the Bureau of Labor would go a long way in that direction. Some gentlemen may say that Congress will not violate its oath. But let me point out to the Congress that only recently we passed, with hardly a dissenting vote, a law fixing the liability of interstate carriers to their employees, and that since that law was passed a Federal judge has decided it to be unconstitutional.

[The time of Mr. SULLIVAN having expired, by unanimous consent, the time was extended five minutes.]

Now, I submit that there were many Members of this House when that law regulating the liability of interstate-commerce carriers to their employees was passed who must have felt when they voted for it that it would be declared unconstitutional; and I believe that history will repeat itself and that later a child-labor law may be submitted here, and that men in this body rather than stand up against the clamor created by men and women in this land will again vote for a measure which in their hearts they believe to be unconstitutional.

It is for the purpose of avoiding that situation that this work is sought to be intrusted to a bureau that will simply present the facts of the case. This is a question whether the facts shall be reported by a man of common sense without much imagination or by another agent of another bureau with a very fertile imagination. What the country needs is the facts and not the imagination of the gentlemen who are sent out to collect these facts.

Now, I submit that the work can be better done by the Bureau of the Census; they are equipped for just this kind of work. I submit that you can not collect statistics in a strict sense of moral and social conditions, but you can collect statistics from which deductions may be made which have a bearing upon moral and social conditions, and that is all we ask for.

The Census Bureau is equipped for that kind of work. Its report will be of great value to the country and will help the States to legislate upon this subject. Congress ought to decide this question, and I trust this House will decide it in the interest of good legislation here to-day. [Applause.]

Mr. STANLEY. Mr. Chairman, this bill emanated from the Committee on Labor. The great difficulty with those who were upon that committee and who were attempting as best they could to obtain that information which justified them in bringing that bill into this House was not so much a lack of figures, was not that we did not know how many women were employed in making their own living, how many children were to be found in field or factory, but in ascertaining the conditions under which they labored, the conditions that brought them there, and the result of their being there upon the future happiness and prosperity of the whole country. The gentleman from Massachusetts [Mr. SULLIVAN] has said that he wants nothing brought into this House in the way of a report, tabulated or otherwise, that shall disturb its fixed tranquillity. I pray the time may never come when there shall be a majority of this House who can see a woman in poverty and in rags driven to drudgery, and childhood robbed of everything save its helplessness, and turn from the scene tranquil as a column of figures or the page of a ledger.

Mr. SULLIVAN. Why, Mr. Chairman, I trust the gentleman does not imagine that I would ever with tranquillity view such a shocking condition as he depicts, and I also assert there was nothing in my statement which would give him the right to make any such assumption.

Mr. STANLEY. He would, as I understand the gentleman from Massachusetts, view one or two in that condition with emotion; but if the agent of this Government was called upon to describe the condition of an army of the miserable ones, he would want to rob him of sentiment and chain his fancy. We want no prose poems here; we want, of course, no fanciful pictures; but I do not see by what foresight, I do not see by what gift of prophecy we can tell how fanciful the report will be before it is received. This much we do know, that the Department of Commerce and Labor is prepared not only to give us the figures, but to investigate the conditions; to tell us not only how many women are engaged in manual labor in factories, in mills, or in mines, but what conditions made it necessary; what is the effect upon the women; what the effect upon society, for all that affects her who is to be wife or mother, morally, mentally, or physically, touches the base of the race and the future of the nation. [Applause.]

It will do us but very little good, Mr. Chairman, it will be of no benefit either to this House or to this country to be wisely and tranquilly and coolly and deliberately informed by the Bureau of the Census that there are so many children of such and such an age engaged in such and such work. Why, we know, and we knew one hundred years ago, that so many women were employed in the mines of Pittsfield, but it remained for indignant humanity to learn that those women labored with an iron chain between their limbs and a leather thong about their necks, that their bodies were torn and mangled, and that the hideous laceration resulting from drawing a coal cart through a subterranean passage ended in their degradation, deformity, and ruin.

We want to know more than the bare facts. I for one want a picture, if I can get it, sir, of the bowed form and the features pinched and drawn; I want the United States, I want this Congress, I want this world to know not only how many children are there, but whether they are thin or well clad, whether they are healthy or weaklings, whether they are developing into the promise of manhood and womanhood, or whether early broken by poverty, hunger, want, toil, and despair they are sinking into untimely graves. All this I want to know. There is one thing more important, far more important than the prosperity of mills and mines, and that is the welfare of those who operate them; there is one thing more important than that there shall be a wholesome balance upon the right side of the ledger of these great institutions that have made us prosperous and powerful, and that is that the unknown and unseen thousands whose sweat and toil have gone to add to their prestige and their power shall receive a share of that prosperity, that their children shall be protected, and that their women, as far as possible, shall be saved from unwomanly toil. [Applause.]

When we have sought a nearer view of this nether world of want and toil, the Census has answered with numbers, numbers, nothing but numbers. This legislation is in the interest of ten thousand times ten thousand who have lived and died and are only known by numbers. They are numbered in the factory; they are numbered in the census; they are numbered in the potter's field. I will rejoice to find any department of this Government which could give a living picture of these people. For one, I am willing to look at their rags; I am willing to hear their wail of anguish or of despair, and there is nothing, however sensational it may be, if it is a true story of human want, of wrong to the helpless, wrong especially to women and to children, that I am not willing to know, though it should move the whole continent to indignation or to tears. [Applause.]

Mr. TAWNEY. Mr. Chairman, I make the point of order that debate is closed on this amendment and paragraph.

The CHAIRMAN. The Chair would state to the gentleman that debate has been proceeding by unanimous consent. Of course the Chair has no power to regulate that, because by unanimous consent anything may be done.

Mr. TAWNEY. But the committee has voted to close debate, and I shall object to any further extension of it. I ask unanimous consent that the amendment be reported, so that the House may know exactly what it is voting for.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. DE ARMOND. Mr. Chairman, I would like to submit a request that five minutes time may be accorded to me.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes. Is there objection?

Mr. TAWNEY. Mr. Chairman, we have now discussed this question almost an hour. The question of the employment of women and children is not involved; it is only a practical ques-

tion as to where this investigation shall be made, and the committee has already decided to close debate, and the affirmative of this proposition has consumed more time than the negative side has.

The CHAIRMAN. The Chair has no power whatever over debate; the committee has absolute power.

Mr. TAWNEY. I move, then, Mr. Chairman, that debate on the pending amendment and paragraph be closed at ten minutes to 10 o'clock, and the time, five minutes, be now allowed to the gentleman from Missouri [Mr. DE ARMOND].

The CHAIRMAN. The gentleman from Minnesota moves that all debate be closed in five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. I serve notice, Mr. Chairman, that I shall object to any further extension.

Mr. DE ARMOND. Mr. Chairman, the general subject-matter is certainly a very important one. As for a choice of these bureaus, without assuming to know very much about it, it seems to me that for the purposes of this investigation the Bureau of Labor is the preferable one. I do not understand where is the foundation for the fear or supposition that dangerous, sensational reports will emanate from that Bureau. Upon the other hand, I do not see just where is the desirability of having anything so cold and so unemotional and so unattractive and so uninteresting and so uninforming that it would be worth nothing to the country or to the Congress, unless we are trying to guard ourselves against some dangers which do not exist and protect ourselves from some evils which are not by any means impending.

I wish to call attention to another matter, Mr. Chairman. As an argument against conferring this power upon the Bureau of Labor the suggestion is made that an act was passed a short time since with reference to the liability of employers of labor, and that a judge somewhere, upon some pretext or for some reason or no reason, has declared it unconstitutional. Then the assumption seems to follow, without ground for it, I think, that the dictum of this judge is law and that it is unconstitutional, and that the Congress lost its head, and is liable to do it again unless we take great care as to where the duty of this investigation shall go. Now, I would hardly like to have it understood, as a matter of course, and would hardly like to have the sanction of the House of Representatives given to-night to the proposition that, because of the decision of that judge overturning a law pretty carefully considered and certainly designed to accomplish a useful purpose, it is an unconstitutional law and of no value at all, and that Congress lost its head when it passed it.

Another thing. I understand perfectly well, or I think I do, that Congress has no power to legislate upon the subject of child labor in the States. I believe, however, that there is power in Congress to legislate with regard to the transmission in the mails or in interstate commerce of various products. I have believed, and believe yet, that Congress could legislate constitutionally with regard to the transmission in interstate and foreign commerce of trust-made goods. If that is true, I do not know whether Congress could not also legislate upon the subject of goods manufactured by child labor, by the labor of children who ought to be in school, by the labor of children who ought to be treated as human beings and not merely as animated machines for the making of money, when those goods are offered for shipment by mail or as articles of interstate commerce. I believe, too, it is possible for Congress to legislate within constitutional limits upon prison-made goods.

My object in making these remarks, Mr. Chairman, is not to influence legislation here now and upon this subject particularly, but that it may not go without challenge that here a law upon a most important subject is to be held unconstitutional, because some judge has said that it is unconstitutional. Neither do I wish it to go without challenge that because we can not legislate directly upon child labor in the States, we can not legislate at all with reference to the products of that kind of labor. And as to the choice of bureaus, as I said before, I think we need not guard ourselves so carefully against the supposed sensational results that may follow the committing of this work to the Bureau of Labor. The Bureau of Labor was organized, among other things, for the purpose of correcting labor conditions, of lessening labor abuses, and of bringing about a better condition of things in the general field of labor; and it does seem to me that logically and naturally and properly this investigation would fall to the lot of that Bureau. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER].

The question was taken; and the Chair announced that the yeas seem to have it.

Mr. CRUMPACKER. Division, Mr. Chairman.

The committee divided; and there were—ayes 38, noes 96.

So the amendment was rejected.

The Clerk read as follows:

Elevator, old Post-Office Department building: For the construction of an elevator in the F street wing of the old Post-Office Department building, occupied by the Department of the Interior, \$6,000.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order against the paragraph just read on page 92, line 1, down to and including line 4.

Mr. TAWNEY. This is not subject to the point of order.

The CHAIRMAN. What is the point of order made by the gentleman from Florida?

Mr. CLARK of Florida. That it is new legislation.

Mr. TAWNEY. This is providing for the improvement and necessary repairs to a building now in use by the Government. It is for an elevator in the old Post-Office building or the building that used to be occupied by the Post-Office Department, and is now occupied by the Land Office.

The CHAIRMAN. Is it a Government building?

Mr. TAWNEY. It is a matter of common utility in the use of that building—a necessary utility.

The CHAIRMAN. Is it a Government building?

Mr. TAWNEY. It is a Government building—the old Post-Office building.

Mr. CLARK of Florida. I submit, Mr. Chairman, it is not an appropriation for the repair of a Government building. It is an appropriation for the installation of something in a Government building that never has been there before. It is not to repair an elevator, but it is to construct an elevator and place it in a certain building.

The CHAIRMAN. Does the gentleman desire to be heard further?

Mr. TAWNEY. I do not, Mr. Chairman. The building is a Government building and owned by the Government. This is a necessary utility for the use of the building.

The CHAIRMAN. The gentleman from Florida makes the point of order—

Mr. TAWNEY. It would be just as necessary—

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota if he understands the point made by the gentleman from Florida, which is that it is not for the repair, but for the construction of something entirely new in the building?

Mr. TAWNEY. Well, assuming that it is an addition, it has been ruled this evening that an amendment which I offered for the purchase of additional lands and for the provision of an addition to the Bureau of Printing and Engraving was in order, and it is in the same category exactly.

Mr. GROSVENOR. Suppose that in one of these Government buildings you undertook to add one door or put in another door; that would be a new door. Are we estopped from making a door?

The CHAIRMAN. The Chair is well satisfied. The Chair overrules the point of order.

The Clerk read as follows:

The Capitol building shall hereafter be open to visitors from 9 o'clock a. m. until 4 o'clock p. m. on Sundays and holidays.

Mr. CLARK of Florida. I make the point of order on page 92, line 12, down to and including line 14.

The CHAIRMAN. The gentleman from Florida makes the point of order to the paragraph just read, from line 12 to line 14, inclusive, on page 92. What is the point of order?

Mr. CLARK of Florida. It changes existing law.

The CHAIRMAN. It changes existing law, the gentleman says.

Mr. TAWNEY. Will the gentleman state what law it changes? There is no law fixing the time, the days, or the hours the Capitol shall be open.

Mr. CLARK of Florida. Then it is the enactment of new legislation.

Mr. GROSVENOR. Why, it is a regulation or care of a public building.

Mr. TAWNEY. Yes, sir; it relates entirely to the care or regulation of the Capitol building in which Congress performs its functions.

Mr. CLARK of Florida. If in fact there be no law now to regulate the hours that this building shall be open, and you pass a regulation of this kind, is that not an enactment of a law on the proposition? Therefore is it not new legislation?

Mr. GROSVENOR. It is carrying out the general power of the Government to regulate the control and the management of its public buildings—the general law of ownership, which carries with it the inevitable inference of the power to regulate. That is all.

The CHAIRMAN. But, after all, if the Government has not

seen fit to make a regulation and makes it by legislation, is it not new?

Mr. GROSVENOR. Perhaps they have not heretofore had a regulation, or, perhaps, some other and different regulation. The law of control is the law that gives the Government this right to control and manage its own public building. It is incidental to its ownership.

Mr. TAWNEY. Mr. Chairman, I want to call attention to the fact of the order that is issued to the employees of this Capitol. They come here and can not get in on a Sunday with a member of their family. An order is issued, perhaps, closing the Capitol entirely, not only to the public, but to those who have the right to be here on Sunday or any other day. Now, it certainly is in the power of Congress, that has absolute control over this building, to remodel or modify or change or entirely repeal a regulation of that kind.

The CHAIRMAN. Can it be done on an appropriation bill? In other words, the Chair will ask the gentleman from Minnesota after this shall have been passed, if it is really passed, will it not then have all the binding force and effect of law?

Mr. TAWNEY. It will.

The CHAIRMAN. And in that respect, is it not legislation on a proposition where no law exists?

Mr. OLMSTED. Mr. Chairman, it is an exercise of power that comes through an act of Congress, which is legislation.

The CHAIRMAN. The Chair thinks there can be no doubt about it. Does the gentleman from Illinois desire to be heard?

Mr. MANN. I desire to be heard on the side I think the Chair has indicated.

The CHAIRMAN. The Chair thinks it is clearly obnoxious to the rule, and sustains the point of order.

The Clerk read as follows:

To complete the construction of the fireproof building for committee rooms and offices for the House of Representatives, provided for in the sundry civil appropriation act approved March 3, 1903, including not exceeding \$500 for the purchase of necessary technical and other books, \$1,050,000, to continue available until expended.

Mr. CLARK of Missouri. I move to strike out the last word.

I would like to ask the chairman of the Committee on Appropriations for information on lines 18 and 19, "including not exceeding \$500 for the purchase of necessary technical and other books," for the fellows who are building that house over there.

Mr. TAWNEY. For the Superintendent of the Capitol and his office force.

Mr. CLARK of Missouri. Why doesn't he buy his own books?

Mr. TAWNEY. These are books that are used in connection with his service—drafting books, technical works relating to engineering and to architecture—purely technical books.

Mr. CLARK of Missouri. I would not have any objection to furnishing him with books if he needs them, but that is a curious clause to put in there.

Mr. TAWNEY. I will say to the gentleman from Missouri that nearly every appropriation that is carried in an appropriation bill for any Department has language similar to this for the purchase of books. Heretofore the language has been much broader than it is to-day, as carried in the appropriation bills at this session, for the reason that the Committee on Appropriations has discovered that under the language heretofore employed the Departments have maintained a large fiction library; and we have therefore cut down or reduced that authority for the purchase of books to those that are needed only in the technical work of the Department.

Mr. CLARK of Missouri. If that is true, why does not your committee take it in hand and shut off the fiction books?

Mr. TAWNEY. I will say to the gentleman that the Committee on Appropriations reported a provision in the legislative bill at this session for that very purpose, but it did not meet with the unanimous approval of the House, and it went out on a point of order. I hope, however, before this session ends, that we may be able to satisfy the gentleman who made the point of order that we have sufficiently investigated this question to determine that it is not necessary for the good of the service nor of the employees in any of these Departments for the Government to maintain a fiction or belles-lettres library in the Departments.

Mr. CLARK of Missouri. I should think you would not have any trouble in convincing anybody that had any sense of the correctness of that proposition.

Mr. MANN. It was I who made the point of order to which the gentleman refers [laughter], and I wish to call the gentleman's attention to the fact that under the item that he has now under consideration the Superintendent of the Capitol could expend \$500 in the purchase of novels. The gentleman made a proposition in the legislative appropriation bill, which went out

on a point of order made by me, restricting the books bought in each Department to technical books, and if I may have the attention of the gentleman, the item now under consideration is—

For the purchase of necessary technical and other books.

"Other books" includes all books, to the extent of \$500, and under this appropriation it is not necessary to spend a cent for technical books. For aught the appropriation provides, the Superintendent of the Capitol may purchase and read, the day after this bill becomes a law, a book on The Quick and the Dead.

Mr. TAWNEY. I intend to offer an amendment striking out the words "and other."

Mr. MANN. I am very glad I have called the gentleman's attention to a flaw in his bill.

Mr. OLMSTED. It is not a very serious one.

Mr. TAWNEY. I move as an amendment, in line 20, page 92, to strike out the word "and other."

Mr. SHACKLEFORD. I should like to ask the gentleman what becomes of these books after they are bought? Whose property are they?

Mr. TAWNEY. They belong to the Government.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Minnesota.

The Clerk read as follows:

On page 92, line 20, strike out "and other."

Mr. WADSWORTH. I should like to ask the gentleman what objection there is to the general library buying these books and then the Superintendent of the Capitol drawing them?

Mr. TAWNEY. Do you mean the Library of Congress?

Mr. WADSWORTH. The Library of Congress.

Mr. TAWNEY. Well, they are books that are in constant use. Of course, under the regulations of the Library of Congress, they would have to be taken from the Library all the time, and I suppose that for reference some of the books are bought by the Library, and can be obtained there; but these books referred to here are a part of the tools used by the Superintendent of the Capitol and those charged with the responsibility of the construction of these buildings. They are using them daily in the work, and are just as essential as drawing instruments are.

Mr. GAINES of Tennessee. Does the Superintendent of the Capitol have to buy \$500 worth of books?

Mr. WADSWORTH. We found in the Department of Agriculture the same trouble. Every bureau was inclined to build up its own library. We put a stop to it, and made all the books purchasable on estimates by the general librarian in the Department of Agriculture, and each bureau chief draws out such books as he desires. In other words, you will have here another library started in a few months.

Mr. GAINES of Tennessee. Will the gentleman tell us how much it allows for the purchase each year?

Mr. WADSWORTH. In the Agricultural library? About \$12,500 a year; but that library would not be accessible to the Superintendent of the Capitol, I suppose.

Mr. GAINES of Tennessee. Well, that amount shocks me. I was just going to ask the gentleman from Iowa why they wanted as much as \$500 worth of books called for in this item. [Laughter.]

Mr. LACEY. Would not the books when purchased belong to the Congressional Library? All the books that we have in the committee room are cared for by the Congressional Library.

Mr. TAWNEY. I do not know that they would belong to the Congressional Library. They are bought under a specific appropriation, for a specific purpose, and for a specific officer.

Mr. LACEY. The books, as the gentleman knows, in the committee rooms are marked as the property of the United States and belong to the Library.

Mr. TAWNEY. That may be; I do not know what the law is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For furnishing the office building, House of Representatives, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchen and restaurant equipment, \$300,500, to be immediately available and to remain available until expended; said appropriation to be expended by the Superintendent of the United States Capitol Building and Grounds, under the direction of the Commission of the House of Representatives designated by law to supervise the construction of said office building.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee who is the consulting architect for the House office building, if he knows?

Mr. TAWNEY. Mr. Hastings.

Mr. CLARK of Florida. Does the chairman know who is the consulting architect for the Senate office building?

Mr. TAWNEY. I am not able to answer that question.

Mr. CLARK of Florida. Is it not the other member of the same firm of which Mr. Hastings is a member?

Mr. TAWNEY. I do not know.

Mr. CLARK of Florida. Is it not true that that gentleman receives a salary of \$10,000 a year?

Mr. TAWNEY. The House has nothing to do with the construction of the Senate office building.

Mr. CLARK of Florida. I understand that, but is it not true that that firm is the firm of consulting architects for the extension of the Capitol? Mr. Chairman, I withdraw the pro forma amendment and offer this amendment.

The Clerk read as follows:

Amend by adding at the end of line 6 on page 93 the following: "Provided, That no portion of the sums appropriated by these paragraphs shall be expended in the payment of services of architects rendered after September 1, 1907."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on that on the ground that it changes existing law. Although it is a limitation on an appropriation, it does change the law which authorizes the contract which has been made for the services of this man in connection with the construction of this building. The term of that service is to conclude in three years from the date of his first employment and has very nearly expired.

The CHAIRMAN. A contract heretofore made?

Mr. TAWNEY. Heretofore made under authority of law.

Mr. SHACKLEFORD. Mr. Chairman, I think it has been a frequent ruling of the Chair that an appropriation that is offered to be made for a lawful purpose may be limited. For instance, where the salary of an officer under the law is entitled to draw four or five thousand dollars a year, a limitation may be made in the amount appropriated. I think this is what is attempted to be done here. I would like to ask the gentleman, in this connection, how much that architect for the House building gets; what is his annual salary?

Mr. TAWNEY. Ten thousand dollars a year instead of 5 per cent, which is the usual fee of a consulting architect.

Mr. SHACKLEFORD. It seems to me that this House building has been about two years longer in construction than we were told it would take when the first appropriation was made. I am one of those who believe that as long as these men have \$10,000 a year as consulting architects for the House building and \$10,000 for the Senate building, making \$20,000 a year, besides the Capitol extension, that having control of that work they are not liable to hasten the completion of the buildings.

Mr. TAWNEY. Will the gentleman permit an interruption? Is the gentleman aware of the fact that this man is only a consulting architect, that he has no control whatever over the construction of the building or its superintendents? He can not delay it a minute if he wanted to.

Mr. SHACKLEFORD. How often does he visit the building?

Mr. TAWNEY. I do not know.

Mr. SHACKLEFORD. About how often?

Mr. TAWNEY. He is consulted. He is merely employed as a consulting architect, and passes upon the plans and details and the specifications. The construction of the building is under the control and superintendency of the Superintendent of the Capitol.

Mr. SHACKLEFORD. Mr. Chairman, I think it is altogether probable that the delay in the completion of this building has resulted because the consulting architect has some plans over in New York that he has not worked out yet, and I for one think that the amendment is in order—not only in order, but I think it ought to be adopted for the purpose of hurrying along this building. It is two years behind now. Baltimore has been burned down and built up since this post-office building was commenced, and yet it looks to me like it is not more than half completed. I am afraid that the architects who are drawing \$10,000 a year salary are lingering and loitering over the plans in their office and in New York, and thereby retarding the completion of that building.

Mr. TAWNEY. Mr. Chairman, I would not detain the committee one moment if it were not for the statements made by the gentleman from Missouri [Mr. SHACKLEFORD], which are not borne out by the facts. The building has not been delayed. I will assert on this floor that that building will be completed from the time they commenced breaking ground for the foundation in less time than any other building that has ever been erected of its kind and character and cost in the District of Columbia.

Mr. SHACKLEFORD. Have any of them ever been completed within the time they ought to have been completed?

Mr. TAWNEY. Yes.

Mr. SHACKLEFORD. Which?

Mr. TAWNEY. The Congressional Library building was, and it was completed within the limit of cost.

Mr. GAINES of Tennessee. Will the gentleman tell the committee when we are going to get this building to use?

Mr. TAWNEY. This building was commenced two years ago.

Mr. SHACKLEFORD. There was no consulting engineer of the Congressional Library. That was done under the War Department.

Mr. TAWNEY. The delay, if there was any delay, was due to the litigation necessary in order to obtain the title to this ground, the site. There is where the delay was. By the 1st of December, when the Sixtieth Congress convenes, that building will be ready for occupancy, and it is for that reason that this appropriation is carried. [Applause.]

Mr. SIMS. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. SIMS. The gentleman stated that this is being constructed in less time than any other building of the sort ever had been. I want to cite to the gentleman from Minnesota the gentleman from Illinois [Mr. MADDEN], who occupies a seat on that side of the Chamber, and who is a contractor, who erected a building costing \$5,000,000 in Chicago in one year, and had to excavate a concrete foundation 100 feet to begin, and yet completed it perfectly in one year. That was a larger building than this.

Mr. TAWNEY. I stated what is the fact, and my comparison was made with other buildings erected in the District of Columbia.

Mr. SIMS. Oh, the District of Columbia buildings, and not in Chicago, where they do things.

Mr. JAMES. The gentleman's statement did not apply to a Member of Congress, did it?

Mr. SMITH of Iowa. Mr. Chairman, there are two paragraphs in this bill with reference to the House office building, one an appropriation for the building and the other an appropriation for the furniture. The amendment offered by the gentleman is to the paragraph with reference to the furniture. It provides that we shall not pay the architect out of the appropriation for the furniture. That is not germane to that paragraph, and if it is adopted it will not mean anything at all. The gentleman allowed the paragraph to pass with reference to the building, and has failed to offer any amendment to that section. The amendment is offered to this section and is absolutely senseless and will have no effect if enacted.

Mr. CLARK of Florida. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] has discovered something most remarkable. He can not split up a paragraph in that sort of style. There is only one paragraph here. Now, I want to show, Mr. Chairman, just how much this gentleman, who is a member of the committee, knows about it.

For furnishing the office building, House of Representatives, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchen and restaurant equipment, \$300,500, to be immediately available and to remain available until expended; the said appropriation to be expended by the Superintendent of the United States Capitol building and grounds, under the direction of the Commission of the House of Representatives designated by law to supervise the construction of said office building.

Now, Mr. Chairman, that is a part of the preceding appropriation, and, as I understand the rule, I could wait until the end of that section before I offered my amendment. I am offering it, Mr. Chairman, to the subject-matter here. I am undertaking to limit the purpose of this appropriation. It is not an enactment of new law, it is not a creation of a new law. It is not an abrogation of present law at all, but it is simply a limitation upon this appropriation made for this office building, and I submit, Mr. Chairman, that the distinguished chairman of the committee says that they have made a contract with the supervising architect for three years. I presume they have made this contract with him for three years, regardless of when the building is finished. In other words, if that building is finished within one year, they go on and pay the salary of the architect for two years longer when every duty of his has expired and he has none whatever.

Is that what the gentleman means? Why, gentlemen, they make a contract for the construction of a building whether it is one, two, three, four, or five years. I think, Mr. Chairman, that if there is such a contract as that that that contract ought to be submitted to this House, and this House ought to know what officers of the Government are engaged in contracts like that and by what authority of law they are making such contracts.

The CHAIRMAN. The gentleman from Florida has offered an amendment and the gentleman from Minnesota made a point of order on the amendment, as the Chair remembers the par-

liamentary status. We are reading the bill by paragraph. If the committee will notice the paragraph passed on page 92, it referred to "the construction of the fireproof building for committee rooms and offices for the House of Representatives, provided for in the sundry civil appropriation act approved March 3, 1903, etc." That paragraph is a complete paragraph, and if anyone had sought to amend that paragraph the amendment must have been offered at the end of line 21, and any amendment to that paragraph comes in too late. If the members of the committee will read the other paragraph, beginning at the bottom of page 42 and line 22 of the page, it reads: "For furnishing the office building, House of Representatives, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchen and restaurant equipment, \$300,500, etc."

"Said appropriation—that is, for furnishing—to be expended by the Superintendent of the United States Capitol Building and Grounds under the direction of the Commission of the House of Representatives," etc.; which paragraph has reference solely to appropriations for furnishing the House of Representatives office building. The gentleman now seeks to amend here by this amendment: "Provided, That no portion of the sums appropriated in this paragraph shall be expended in payment for services of architect rendered after September 1, 1907." The Chair thinks that the amendment is not at all germane to the paragraph that is being considered, and therefore sustains the point of order made by the gentleman from Minnesota.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman from Minnesota never made any such point of order. The gentleman from Minnesota made the point of order that it was out of order because it undertook to restrict this appropriation.

The CHAIRMAN. But the gentleman from Iowa made the point of order that it is not germane.

Mr. CLARK of Missouri. You could not have two points of order pending at once.

The CHAIRMAN. The Chair was not considering the point of order made by the gentleman from Minnesota. [Laughter.]

Mr. CLARK of Missouri. Well, that is all right.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment to the paragraph in regard to furniture.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 93, after line 6, insert:
"House of Representatives office building: For maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services, \$30,000. And the said office building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Superintendent of the Capitol Building and Grounds, subject, until said building is completed, to the approval and direction of the Commission appointed under the sundry civil appropriation act approved March 3, 1903, to supervise the construction of said building; and such control and supervision by the Superintendent of the Capitol Building and Grounds shall be and continue after the completion of said building and not later than after July 1, 1908, subject to the approval and direction of a Commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representative in Congress, or otherwise in the membership of said Commission shall be filled by the Speaker, and any two members of said Commission shall constitute a quorum to do business. The Superintendent of the Capitol Building and Grounds shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said Commission herein referred to shall from time to time prescribe rules and regulations to govern said Superintendent in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building."

Mr. SHACKLEFORD. Mr. Chairman, I reserve the point of order on that amendment.

Mr. TAWNEY. Mr. Chairman, there is no question but that the amendment is subject to a point of order, but I want to make a statement.

Mr. SHACKLEFORD. Mr. Chairman, just one word. I have no notion or desire to press the point of order, but in the hurried reading of it I did not catch just what it was. What is the reference to July, 1908?

Mr. TAWNEY. I will say, as I stated a moment ago, that the Superintendent of the Capitol, who has control of the construction of that building, states to the Committee on Appropriations that it will be complete and ready for occupancy at the beginning of the Sixtieth Congress.

Mr. SHACKLEFORD. That is good.

Mr. MANN. I would like to ask the gentleman a question in that connection. What time is fixed when the gentleman says in his amendment "not later than July 30, 1908?"

Mr. TAWNEY. If the gentleman will wait I will explain the amendment. If the language is there that the gentleman mentions, it is a mistake in writing. Now, we have got to pro-

vide for some form of government over there in that building, and if the building is to be ready for occupancy by the 1st of December we must make some provision for it at this session of Congress. Therefore, Mr. Chairman, the attention of the Commission under whose general supervision this building is being constructed was called to this fact, and the Commission concluded, after consideration of the whole subject, that they would recommend to the House an appropriation for lighting and heating and for services to the amount of \$30,000, which will carry us over to the beginning of next fiscal year, and thus enable us at the next session of Congress, when we once get into the building and have more information in regard to the rules and regulations of how it should be governed, to act upon that later and better information.

Mr. SHACKLEFORD. This is not intended to postpone the completion of the building until July 8, 1908?

Mr. TAWNEY. This is intended to enable the Superintendent to arrange for the purchase of the fuel he will have to have in order to heat the building next fall before the meeting of the Sixtieth Congress.

Mr. SHACKLEFORD. Mr. Chairman, I withdraw—

Mr. TAWNEY. It is also for the purpose of employing such personal services in the care of the building as may be necessary until July 1, 1908.

Mr. SHACKLEFORD. I withdraw the point of order.

Mr. SHERLEY. Mr. Chairman, I reserve the point of order.

Mr. CRUMPACKER. Mr. Chairman, I renew the point of order until I can secure some information. This is quite an important amendment. And if it be done it ought to be printed in the RECORD and the matter go over until to-morrow. This Commission is authorized to assign rooms in the building, and that is quite an important matter to every Member of the House. We ought to know something about the power of the Commission, and I therefore ask unanimous consent that the paragraph and amendment with the point of order pending be passed without prejudice.

The CHAIRMAN (Mr. LITTLEFIELD in the chair). The gentleman from Indiana [Mr. CRUMPACKER] asks unanimous consent that the paragraph, the amendment, and the point of order reserved be passed for the time being.

Mr. CRUMPACKER. For the time being, without prejudice.

The CHAIRMAN. Is there objection?

Mr. CLARK of Missouri. Mr. Chairman, I would like to add to it that it be placed in the RECORD, so that we can get it.

Mr. CLARK of Florida. I object, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Indiana [Mr. CRUMPACKER] insist upon his point of order?

Mr. CRUMPACKER. I do not want to insist upon the point of order; no.

The CHAIRMAN. Then let the gentleman from Indiana withdraw his point of order.

Mr. SHERLEY. I renew the point of order.

The CHAIRMAN. Does the gentleman from Florida insist on the point of order?

Mr. CLARK of Florida. I do.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Minnesota [Mr. TAWNEY] a question. I wish to say that this morning I received notice that had some reference to sixteen hours, and I desire to ask the chairman of this committee if that notice was intended to give us notice that we will be held here to-day for sixteen hours continuously without rest?

Mr. TAWNEY. I will say to the gentleman from South Dakota that it had no reference to the labor of the House to-day.

The CHAIRMAN. The gentleman withdraws the pro forma amendment.

The Clerk read as follows:

For furnishing the office building, House of Representatives, including furniture for office rooms, furniture for caucus and retiring rooms, and for kitchen and restaurant equipment, \$300,500, to be immediately available and to remain available until expended; said appropriation to be expended by the Superintendent of the United States Capitol Building and Grounds, under the direction of the Commission of the House of Representatives designated by law to supervise the construction of said office building.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding, after line 5, page 93, the following:

"Provided, That none of the money herein appropriated shall be paid to any consulting architect for services rendered after September 1, 1907."

Mr. TAWNEY. Mr. Chairman, I make the point of order upon that amendment. It is not germane to the paragraph to

which the amendment has been offered. And I will say further, Mr. Chairman, that another ground upon which the point of order can be made is that it may contravene the provisions of the contract made in accordance with the law out of which the appropriation is to be made and from which the obligations under the contract must be met.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to state that the Government has already made a contract?

Mr. TAWNEY. It has made a contract covering this building and the heating plant.

The CHAIRMAN. That this appropriation is for the purpose of carrying out the provisions of that contract, that this limitation would defeat the provisions of the contract, and prevent the Government from carrying out its obligations?

Mr. TAWNEY. For all the purposes of the construction of this building and this heating plant, including the services of a consulting architect.

The CHAIRMAN. Does the gentleman from Florida controvert that?

Mr. CLARK of Florida. Mr. Chairman, I think that this House ought to be permitted to see that contract, and know if the contract is in such form, and determine whether or not the terms are proper.

The CHAIRMAN. Well, the Chair inquires of the gentleman from Florida whether he controverts the statement of fact made by the chairman of the committee?

Mr. CLARK of Florida. I will state to the Chair that I am not in position to do that. Mr. Chairman, I do not know whether the gentleman from Minnesota has stated the fact or simply his conclusions as to what the contract is. The House might put a different construction upon the contract if the gentleman were to produce it.

The CHAIRMAN. Well, the statement of the gentleman from Minnesota is the only information the Chair has as to the contract, and in the absence of that being controverted the Chair sustains the point of order.

Mr. CLARK of Missouri. I want to ask the chairman of the Committee on Appropriations about this amendment that he had up here. I want to know what there is in it to determine how each man is going to get his own room.

Mr. TAWNEY. I will state to the gentleman from Missouri the amendment will be printed in the RECORD to-morrow morning. It has been ruled out on a point of order.

Mr. CLARK of Missouri. Well, we may get in a better humor to-morrow and let it in.

Mr. TAWNEY. The Commission will control the assignment of rooms.

Mr. WILLIAMS. I suggest to the gentleman from Minnesota that it is now half past 10 o'clock. You have got down to the improvement of the Capitol grounds. You seem to have reached the point where the committee could rise. I guess the committee had better rise.

Mr. TAWNEY. I would say to the gentleman that I would like to continue until 11 o'clock.

Mr. WILLIAMS. Well, Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Mississippi moves that the committee do now rise.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. WILLIAMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 36, yeas 83.

Mr. HEFLIN. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. Twenty-eight gentlemen have arisen in support of the demand for tellers. Tellers are ordered. The gentleman from Alabama [Mr. HEFLIN] and the gentleman from Minnesota [Mr. TAWNEY] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 22, yeas 89.

So the motion was lost.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$250,000: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment which will be reported by the Clerk.

The Clerk read as follows:

On page 96, line 15, after the word "dollars," insert:

"Provided, That no portion of the amount herein appropriated shall be used in examining or investigating any entry or final proof heretofore made under the homestead laws upon which final receipt has been issued unless there shall have been filed against said entry some charge of fraud or noncompliance with the law."

Mr. TAWNEY. I reserve the point of order on the amendment.

Mr. MONDELL. I offer the following as a substitute for the amendment.

Mr. TAWNEY. I also reserve a point of order on the substitute.

Mr. BURKE of South Dakota. I want it understood that I wish to be heard on the amendment which I offer.

The CHAIRMAN. If there be no objection, the substitute will be reported by the Clerk.

The Clerk read as follows:

At the end of line 21, page 96, insert:

"Provided, That no part of this appropriation shall be used for the examination of the lands embraced in any entry upon which final proof has been made in accordance with law and against which no contest, protest, complaint, or information alleging specific violation of the law has been filed."

The CHAIRMAN. By unanimous consent the gentleman from Minnesota may reserve a point of order against both propositions.

Mr. CLARK of Florida. Mr. Chairman—

Mr. MANN. What is it that is sought to be done by unanimous consent?

The CHAIRMAN. Unless unanimous consent is granted, the gentleman could not reserve points of order against two amendments at the same time.

Mr. MANN. Oh, he desires to reserve points of order!

Mr. TAWNEY. I want to make a statement to the committee, and then—

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry. What is the request for unanimous consent?

The CHAIRMAN. The gentleman from Minnesota desires to reserve points of order against both amendments.

Mr. CLARK of Florida. I object to the request for unanimous consent.

The CHAIRMAN. The gentleman from Florida objects to the request for unanimous consent to have both points of order pending at the same time.

Mr. CLARK of Florida. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. Do I understand the Chair to say that it requires unanimous consent to enable the gentleman from Minnesota to reserve points of order?

Mr. TAWNEY. I desire to make a statement—

Mr. GAINES of Tennessee. Mr. Chairman, I do not want the gentleman to do that until I know whether points of order have been reserved against these two amendments, so that they can go out if there is no law for them.

Mr. TAWNEY. Yes.

Mr. GAINES of Tennessee. That is all right.

Mr. TAWNEY. It is only fair to state to the committee—

The CHAIRMAN. The Chair is advised that except by unanimous consent the first point of order must be disposed of before another amendment can be pending.

Mr. CLARK of Florida. Then I object.

The CHAIRMAN. Before entertaining the second amendment the first point of order must be disposed of, except by unanimous consent.

Mr. CLARK of Florida. I object to unanimous consent.

Mr. TAWNEY. Mr. Chairman, pending that point of order, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LITTLEFIELD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25745, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 24887. An act providing for a United States judge for the northern judicial district of Alabama;

H. R. 9298. An act for the relief of the heirs at law of David C. Haynes, deceased;

H. R. 9976. An act to provide for the appointment of an addi-

tional district judge in and for the southern district of the State of Ohio;

H. R. 23324. An act authorizing the sale of certain lands to the city of Buffalo, Wyo.;

H. R. 24284. An act for the opening of Warren and Forty-sixth streets NW., in the District of Columbia;

H. R. 9841. An act to correct the military record of James H. Davis;

H. R. 25013. An act granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north, of range No. 3 west of the Indian meridian, in Cleveland County, Okla.;

H. R. 11273. An act to incorporate the National German-American Alliance;

H. R. 18854. An act providing for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Dayton, in said district;

H. R. 25234. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 5666. An act for the relief of L. L. Arrington and L. S. Arrington;

H. R. 2324. An act granting a pension to Christina Vetter;

H. R. 5497. An act granting a pension to Cora Allie Booth;

H. R. 5774. An act granting a pension to Cornelia Mitchell;

H. R. 5926. An act granting a pension to Sarah C. Pitman;

H. R. 7255. An act granting a pension to Christopher Horn;

H. R. 9445. An act granting a pension to Ida E. G. Pierce;

H. R. 10023. An act granting a pension to Martha J. Lewis;

H. R. 10164. An act granting a pension to Emma L. Beatty;

H. R. 13163. An act granting a pension to Rittie Blackwell;

H. R. 15492. An act granting a pension to William L. Tyler;

H. R. 16819. An act granting a pension to John V. Sumner;

H. R. 16905. An act granting a pension to Anna E. Marble;

H. R. 16925. An act granting a pension to Johanne Lange;

H. R. 18519. An act granting a pension to Benjamin W. Mc-Cray;

H. R. 18874. An act granting a pension to Nannie T. Johnson;

H. R. 19079. An act granting a pension to Phoebe Templeton;

H. R. 20148. An act granting a pension to Flora Fenzl;

H. R. 20352. An act granting a pension to Martha Stevens;

H. R. 21038. An act granting a pension to Lucy A. Gaylord;

H. R. 21130. An act granting a pension to Margaret McNally;

and

H. R. 21352. An act granting a pension to Hester A. Parrish.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1160. An act to correct the naval record of John McKinnon, alias John Mack; and

S. 2769. An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 17875. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce;

H. R. 25366. An act to authorize the New Orleans and Great Northern Railroad Company to construct a bridge across Pearl River, in the State of Mississippi;

H. R. 14361. An act granting an honorable discharge to David Harrington;

H. R. 25046. An act to authorize the construction of a bridge across the Mississippi River at Louisiana, Mo.;

H. R. 24989. An act to provide for the commutation for town-site purposes of homestead entries in certain portions of Oklahoma;

H. R. 24821. An act to authorize the Georgia Southwestern and Gulf Railroad Company to construct a bridge across the Chattahoochee River between the States of Alabama and Georgia;

H. R. 23384. An act to amend an act entitled "An act to amend an act entitled 'An act to establish a code of law for the District of Columbia,' regulating proceedings for condemnation of lands for streets;"

H. R. 18924. An act for the relief of George M. Esterly;

H. R. 21684. An act to amend section 2 of the act entitled "An act regulating the retent on contracts with the District of Columbia," approved March 31, 1906; and

H. R. 21579. An act granting an increase of pension to Sarah R. Harrington.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—
To Mr. LOWDEN, for four days, on account of sickness in his family.

To Mr. BOUTELL, for to-day, on account of sickness.
 To Mr. LIVINGSTON, for to-day, on account of sickness.
 Mr. TAWNEY. I move that the House do now adjourn.
 The motion was agreed to.
 Accordingly (at 10 o'clock and 48 minutes p. m.) the House adjourned until Friday, February 22, 1907, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a cablegram from the president of the Economic Association of the Philippines relating to duties on sugar and hemp—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for carrying out the provisions of the act for the relief of the Gurley Memorial Presbyterian Church, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of deficiency in appropriation for support of the insane of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of deficiency in appropriation for prevention of deposits in New York Harbor—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, in response to the inquiry of the House, statements relative to lands and buildings leased to the Government in the District of Columbia—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Plymouth Frazier, jr., against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6147) authorizing changes in certain street railway tracks within the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 8049); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate (S. 8189) granting to the St. Louis, Iron Mountain and Southern Railway Company, a corporation, the right to construct, maintain, and operate a single track railway across the lands of the United States in the southeast quarter of the northeast quarter of section 21, township 14 north, range 6 west of the fifth principal meridian, in the county of Independence and State of Arkansas, reserved for use in connection with the construction of Lock No. 1, Upper White River, Arkansas, reported the same with amendment, accompanied by a report (No. 8053); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the resolution of the House (H. Res. 659) relative to pay of Members elected to fill vacancies, reported the same without amendment, accompanied by a report (No. 8043); which said resolution and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 25671) to authorize the construction of a bridge across the Grand Calumet River, State of Illinois, reported the same without amendment, accompanied by a report (No. 8048); which said bill and report were referred to the House Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6993) to create the Barnaby road, from its intersection with the Livingston road to the District line, a public highway in the

District of Columbia, reported the same without amendment, accompanied by a report (No. 8051); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8208) authorizing the extension of Park place NW., reported the same without amendment, accompanied by a report (No. 8054); which said bill and report were referred to the House Calendar.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4506) to provide for the better registration of births in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 8056); which said bill and report were referred to the House Calendar.

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6498) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904, reported the same with amendment, accompanied by a report (No. 8057); which said bill and report were referred to the House Calendar.

Mr. CHARLES B. LANDIS, from the Committee on Printing, to which was referred the bill of the House (H. R. 25736) to amend an act providing for the public printing and binding and the distribution of public documents, reported the same with amendment, accompanied by a report (No. 8058); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15434) to regulate appeals in criminal prosecutions, with Senate amendments thereto, reported the same, accompanied by a report (No. 8060); which said report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ROBINSON of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 23988) to authorize a patent to be issued to Martha Sanders, widow of Levi B. Sanders, for certain lands therein described, reported the same with amendment, accompanied by a report (No. 8046); which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 24390) to correct the military record of Charles H. Kellen, reported the same without amendment, accompanied by a report (No. 8047); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4964) for the relief of Thomas F. Walter, reported the same without amendment, accompanied by a report (No. 8050); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 7903) granting an increase of pension to Catherine De Rosset Meares, reported the same without amendment, accompanied by a report (No. 8052); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 8511) granting a pension to George L. Dancy, reported the same without amendment, accompanied by a report (No. 8055); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 25697) granting land to Anna Johnson, reported the same with amendment, accompanied by a report (No. 8059); which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII, adverse report was delivered to the Clerk and laid on the table as follows:

Mr. HOLLIDAY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1519) to correct the military record of Henry Myers, reported the same adversely, accompanied by a report (No. 8045); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS
INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LAMAR: A bill (H. R. 25767) to prohibit lobbying at the national capital in behalf of railroad or railway companies engaged in interstate commerce—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 25768) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof—to the Committee on the Public Lands.

By Mr. COOPER of Pennsylvania: A bill (H. R. 25769) to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: A bill (H. R. 25770) to create the Calaveras Bigtree National Forest, and for other purposes—to the Committee on the Public Lands.

By Mr. POLLARD: A bill (H. R. 25771) to authorize the Treasurer of the United States to receive \$1,861.84 from ERNEST M. POLLARD, a Member of Congress from Nebraska, for salary paid him without authority of law—to the Committee on Ways and Means.

By Mr. SMITH of Arizona: A bill (H. R. 25772) authorizing the county of Gila, Ariz., to issue bonds for the completion of the court-house and jail—to the Committee on the Territories.

By Mr. AIKEN: A bill (H. R. 25773) permitting the building of a dam across the Savannah River at McDaniel shoals—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 25774) permitting the building of a dam across the Savannah River at Turner shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 25775) to amend an act approved June 28, 1906, to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie for the purpose of supplying said city with pure water—to the Committee on Rivers and Harbors.

By Mr. AIKEN: A bill (H. R. 25776) permitting the building of a dam across the Savannah River at Middleton shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A resolution (H. Res. 876) requesting the Secretary of the Interior to send to the House information concerning certain public lands in the United States—to the Committee on the Public Lands.

By Mr. GROSVENOR: A resolution (H. Res. 877) providing for night session on Friday, February 22, 1907, for consideration of Senate bill 529, etc.—to the Committee on Rules.

By Mr. BENNET of New York: A resolution (H. Res. 878) providing for the printing of 5,000 extra copies of public act 96, concerning immigration of aliens into the United States—to the Committee on Printing.

By Mr. OVERSTREET of Indiana: Memorial of the legislature of Indiana, concerning the Pacific coast trade and commerce—to the Select Committee on Industrial Arts and Expositions.

By the SPEAKER: Memorial of the legislature of Indiana, favoring an Alaska, Yukon, and Pacific exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. BURTON of Delaware: Memorial of the legislature of Delaware, proposing an amendment of the United States Constitution prohibiting polygamy and polygamous cohabitation—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were introduced and severally referred as follows:

By Mr. BURTON of Ohio: A bill (H. R. 25777) granting a pension to Elizabeth P. Boggis—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 25778) to correct the military record of William T. Rea—to the Committee on Military Affairs.

Also, a bill (H. R. 25779) to correct the military record of James H. Cowan—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 25780) granting a pension to Elmira H. Ludlam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25781) granting an increase of pension to John Jones—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 25782) for the relief of Mrs. Amanda M. Brown—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 25783) granting an increase of pension to James H. Williams—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Takoma Park Citizens' Association, for the bill granting charter for the Baltimore and Washington Transit Company in the form in which it passed the Senate—to the Committee on the District of Columbia.

Also, petitions of various organizations of citizens in the States and the District of Columbia, against the Littlefield bill—to the Committee on the Judiciary.

By Mr. ACHESON: Paper to accompany bill for relief of David G. Roney—to the Committee on Invalid Pensions.

Also, petition of the United Commercial Travelers of America, for an interchangeable system of mileage books for the railways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: Paper to accompany bill for relief of John H. Wisdom—to the Committee on War Claims.

By Mr. BURTON of Delaware: Petition of the Methodist Ministers' Association of Wilmington, Del., for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of the Pomona Grange, of Sussex County, Del., against the ship subsidy—to the Committee on the Merchant Marine and Fisheries.

By Mr. CALDER: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: Petition of the United Commercial Travelers of America, for an interchangeable mileage system for the railways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. CROMER: Petition of the Alliance of German Societies of Alexandria, Ind., against further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Lewis Mack—to the Committee on Military Affairs.

By Mr. DALE: Petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

Also, petition of the Pennsylvania Association of the State of Washington, for \$75,000 for the Alaska-Yukon-Pacific Exposition—to the Select Committee on Industrial Arts and Expositions.

Also, petition of the California State Federation of Labor, for increase of salaries of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of the California State Federation of Labor, against the position of the President relative to Japanese in San Francisco—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of the German-American Central Association of Scott County, Iowa, against passage of bill H. R. 13655 (the Littlefield bill)—to the Committee on the Judiciary.

Also, petition of the Independent Liberal Citizens' Association of Iowa, against passage of bill H. R. 13655—to the Committee on the Judiciary.

By Mr. DOVENER: Papers to accompany bills for relief of John F. Starcher and Edgar D. Musgrave—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the United Commercial Travelers of America, for a system of mileage books for all the railways in the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the United Commercial Travelers of America, for a system of mileage books for all the railways of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the California State Federation of Labor, against the petition of the President relative to the Japanese in San Francisco—to the Committee on Foreign Affairs.

Also, petition of the California State Federation of Labor, for increase of salaries of post-office clerks (H. R. 9754)—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of the United Commercial Travelers of America, for legislation for a system of mileage books on all the railways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD: Papers to accompany bills for relief of James H. Cowan and William F. Rea—to the Committee on Military Affairs.

By Mr. FRENCH: Petition of Boise City Typographical Union, No. 271, for the new copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. FULKERSON: Petition of civil war veterans of St. Joseph, Mo., for bill H. R. 24544—to the Committee on Military Affairs.

By Mr. FULLER: Petition of the United Commercial Travelers' Association, for a system of interchangeable mileage books for the railways of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles S. Croney, Hoopston, Ill., for an appropriation for a steel dry dock—to the Committee on Naval Affairs.

Also, petition of composers of music, for the copyright bills (S. 6330 and H. R. 19853)—to the Committee on Patents.

By Mr. GOULDEN: Paper to accompany bill for relief of Thomas Allen—to the Committee on Pensions.

Also, paper to accompany bill for relief of Alfred Miller—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Francis A. Howard, for an appropriation for experimental tests of signograph and semaphore safety devices—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

Also, petition of J. W. Vickerman, for the Garrett bill for right of railways to exchange transportation for advertising—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HUFF: Petition of the United Commercial Travelers, for the Sherman interstate mileage bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KELIHER: Petition of the Springfield (Mass.) Board of Trade, for the Appalachian and White Mountains forest reservation—to the Committee on Agriculture.

Also, petition of the Springfield (Mass.) Board of Trade, for a uniform bill of lading—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB: Petition of the United Commercial Travelers of America, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of the United Commercial Travelers of America, for an interchangeable system of mileage books for the railways of the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the German-American Peace Society, for an appropriation of \$1,000 in aid of the International Peace Bureau in Berne—to the Committee on Foreign Affairs.

Also, petition of McLaughlin Brothers, for an amendment in the copyright bill favoring the lithographic trade—to the Committee on Patents.

By Mr. McCALL: Petition of the Boston Wholesale Oyster Dealers' Association, against restriction of the oyster trade by provisions of the pure-food law—to the Committee on Agriculture.

By Mr. McNARY: Paper to accompany bill for relief of Edward H. Emerson—to the Committee on Invalid Pensions.

Also, petition of the Springfield (Mass.) Board of Trade, for a uniform bill of lading—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Springfield (Mass.) Board of Trade, for the Appalachian and White Mountain forest reserves—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Liberty Centennial Lodge, No. 76, Independent Order of Free Sons of Israel, for a full inquiry into the status of the immigration question—to the Committee on Immigration and Naturalization.

Also, petition of the National Institute of Arts and Letters, for the copyright law—to the Committee on Patents.

Also, petition of William R. Rau, against the clause in the copyright bill inimical to American photography—to the Committee on Patents.

By Mr. NORRIS: Petition of voters and residents of Wood River, Nebr., against reduction of allowance to railways for carrying the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. OVERSTREET of Indiana: Petition of the United

Commercial Travelers of America, for a system of mileage books for all the railways of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. RIORDAN: Petition of the German-American Peace Society, for an appropriation for an international peace bureau in Berne—to the Committee on Foreign Affairs.

By Mr. ROBINSON of Arkansas: Petition of the Board of Trade of Pine Bluff, Ark., in favor of reciprocal demurrage—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Bookbinders' Local Union No. 17, International Brotherhood of Bookbinders, for bills S. 5469 and H. R. 17502, for investigation of the condition of woman and child workers in the United States—to the Committee on Labor.

By Mr. SCHNEEBELI: Petition of E. T. Conner Post, No. 177, Grand Army of the Republic, Department of Pennsylvania, against abolition of the pension agencies—to the Committee on Appropriations.

Also, petition of the United Commercial Travelers, for the Sherman mileage-rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of the United Commercial Travelers of America, for a system of mileage books for all the railways in the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the German-American Peace Society, for an appropriation of \$1,000 for the support of the International Peace Bureau in Berne—to the Committee on Foreign Affairs.

Also, petition of members of the National Institute of Arts and Letters, for a liberal copyright law—to the Committee on Patents.

By Mr. UNDERWOOD: Petition of the grand officers of the Brotherhood of Railway Employees of the United States, for the adoption of a safer and better mail crane—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, February 22, 1907.

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

Let us now praise famous men and our fathers that begat us. Leaders of the people by their counsel, wise were they; their words were for the instruction of the people; their glory shall never be blotted out; their bodies were buried in peace, and their names live for all generations.

The Lord God gave him commandments face to face, even the law of life and knowledge.

Let us pray. Father, here are our prayers for ourselves, for our homes, for this Congress, for the nation, and for the world. That these memories of the past may not be in vain as we look forward to to-day and to-morrow and the future. That this people of America may know what gift Thou wast pleased to give them when Thou didst send to be Thy servant here him who was first in war, first in peace, and first in the hearts of his countrymen. And that for to-day and to-morrow and for the days that are to come, each of us—we are all Thy children—shall seek to enter into Thy work; yes, as the Father of his Country entered into his to lift up that that has fallen down, to open eyes that have been blind and ears that have been deaf, and to live in the service of the living God, that we may do justly, that we may love mercy, and that we may walk humbly with our God.

Here is our prayer. Answer us and bless us as Thine own children, in Christ Jesus.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come; Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory for ever and ever. Amen.

THE JOURNAL.

On request of Mr. BURROWS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with, and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Farewell Address of George Washington will be read, under the order of the Senate, by the junior Senator from Nebraska [Mr. BURKETT].